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*FEE EXEMPT – GOV. CODE § 6103*

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

12 RAYMOND GARVIN, )  
13 Plaintiff, )  
14 vs. )  
15 ) Action Filed: February 9, 2018  
16 CITY OF LOS ANGELES, and DOES 1 through )  
17 100, inclusive, )  
18 Defendants. )  
19 )  
20 )  
21 ) [Filed concurrently with Memorandum of Points  
22 and Authorities in Support of Motion for  
Summary Judgment; Separate Statement of  
Undisputed Facts; and Notice of Motion]  
23 )  
24 Date: July 11, 2019  
25 Time: 8:30 a.m.  
Dept.: 19  
26 RESERVATION ID: 842634280718

RESERVATION ID: 842634280718

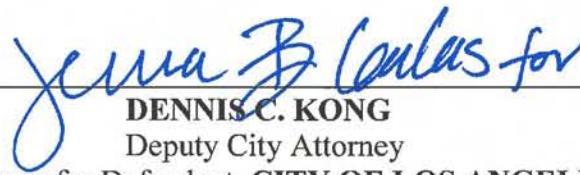
Pursuant to California Code of Civil Procedure section 437c(b)(1) and California Rules of Court 3.1350(c)(4) and (g), Defendant the City of Los Angeles (the “City”) respectfully submits the following evidence in support of its Motion for Summary Judgment, or in the Alternative Summary Adjudication, of the operative First Amended Complaint filed by Plaintiff Raymond Garvin (“Plaintiff”), on or about April 10, 2018.

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Dated: April 23, 2019

Respectfully submitted,

By:

  
DENNIS C. KONG  
Deputy City Attorney  
Attorneys for Defendant, CITY OF LOS ANGELES

# Exhibit A

## Declaration of Dennis Kong

## DECLARATION OF DENNIS KONG

I, Dennis Kong, declare as follows:

1. I am an attorney duly admitted to practice law before the courts of the State of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness to testify to the facts contained herein, I could and would competently testify thereto.

2. I am a Deputy City Attorney employed by the Los Angeles City Attorney's Office, attorneys of record for Defendant City of Los Angeles. I am the Deputy City Attorney assigned to this case.

3. On or about March 27, 2019, I took Plaintiff's deposition. Excerpts of Plaintiff's deposition transcript are attached as **Exhibit B**. During Plaintiff's deposition, I introduced as an exhibit Plaintiff Raymond Garvin's response to his employee comment sheet, a true and correct copy of which is attached as **Exhibit C**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 19, 2019, at Los Angeles, California.

DENNIS KONG

## Exhibit B

Excerpts from the Deposition of  
Plaintiff Raymond Garvin,  
taken March 27, 2019

*In The Matter Of:*

*Raymond Garvin*

*v.*

*City of Los Angeles*

---

*Raymond Garvin VOL*

*March 27, 2019*

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number of pages 255

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

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RAYMOND GARVIN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. BC 694158
	)	
CITY OF LOS ANGELES, and DOES	)	
1 through 100, inclusive,	)	
	)	
Defendants.	)	
	)	

Deposition of RAYMOND GARVIN, the Plaintiff,  
taken at 200 North Main Street, 7th Floor,  
Los Angeles, California, commencing at 10:19 A.M.,  
on Wednesday, March 27, 2019, before  
Jamie L. Apodaca, CSR #10990.

1 APPEARANCES OF COUNSEL:

2 For Plaintiff:

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4 BY: KEVIN SALUTE, ESQ.

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15 Seventh Floor

16 Los Angeles, California 90012

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19

20

21

22

23 Also Present: Kevin Crowley, Videographer

24 Det. Ray Rodriguez, Legal Affairs Division

25

1 WEDNESDAY, MARCH 27, 2019; LOS ANGELES, CALIFORNIA  
2  
3 THE VIDEOGRAPHER: Good morning. We're on the record at 10:18  
4 10:18 A.M. on March 27th, 2019. This is the video recorded 10:18  
5 deposition of Raymond Garvin. This deposition is being held 10:18  
6 at 200 North Main Street, Los Angeles, California, in the 10:18  
7 action entitled Raymond Garvin versus City of Los Angeles, 10:18  
8 case number BC694158. The videographer is Kevin Crowley with 10:18  
9 Ben Hyatt Certified Deposition Reporters. 10:19  
10 Counsel, could you please identify yourselves and 10:19  
11 whom you represent, followed by the reporter swearing in the 10:19  
12 witness. Thank you. 10:19  
13 MR. KONG: Good morning. Dennis Kong, Deputy City 10:19  
14 Attorney for the City of Los Angeles, Defendant. 10:19  
15 MR. SALUTE: Kevin Salute for Plaintiff Ray Garvin. 10:19  
16  
17 RAYMOND GARVIN, 10:19  
18 having been first duly sworn, testified as follows: 10:19  
19  
20 EXAMINATION 10:19  
21 BY MR. KONG: 10:19  
22 Q All right. Good morning, Officer Garvin -- or 10:19  
23 Lieutenant Garvin. 10:19  
24 A Either one. 10:19  
25 Q All right. Good. I'm sure your attorney's probably 10:19

1	gone through some of these basic instructions with you prior	10:19
2	to your deposition here today, but I'll cover some basic	10:19
3	ground rules for today's proceeding.	10:19
4	First and foremost, you're in a deposition. There's	10:19
5	a court reporter sitting to your left who is transcribing	10:19
6	everything that is being said today. There's also a	10:19
7	videographer who is videotaping your deposition today. The	10:19
8	transcript, the typewritten transcript, will be the official	10:20
9	record for today's proceeding. So because of that, I'm just	10:20
10	going to ask that you speak slowly and clearly for the	10:20
11	record.	10:20
12	A Okay.	10:20
13	Q Also, it's very important and advisable that we do	10:20
14	not talk over one another. I know in everyday, casual	10:20
15	conversation, people oftentimes will finish each other's	10:20
16	sentences, talk over one another, and that's perfectly fine.	10:20
17	But for today, it's a little different. We're	10:20
18	basically going to -- it's going to be like a tennis match.	10:20
19	Please don't answer until I finish my question, and same	10:20
20	respect, I'm not going to ask my next question until you	10:20
21	finish your answer. Okay?	10:20
22	A Okay.	10:20
23	Q If there's any question I ask which you do not	10:20
24	understand or if you need clarification, just please let me	10:20
25	know. I'll do my best to clarify the question for you.	10:20

1	Okay?	10:20
2	A Okay.	10:20
3	Q Also, feel free to take breaks. All I ask is that	10:20
4	if there's a pending question, just provide us with a full	10:20
5	response before taking a break. Okay?	10:20
6	A Okay.	10:20
7	Q I'll do my best to speak slowly and clearly myself.	10:20
8	I tend to talk rather quickly, but if there's any -- as I	10:21
9	said before, if there's any reason why you do not understand	10:21
10	anything I say, just let me know. Okay?	10:21
11	A Yes.	10:21
12	Q Also, if you can -- just as a courtesy to your	10:21
13	attorney -- after I've asked a question, if you can just	10:21
14	pause just for a brief second to allow your attorney to	10:21
15	interpose an objection. If there is one, please allow him to	10:21
16	do that. Unless he instructs you not to answer a question	10:21
17	for some reason, I'm entitled to get your best testimony.	10:21
18	Okay?	10:21
19	A Okay.	10:21
20	Q Also, I don't want you to speculate or guess with	10:21
21	respect to any questions I ask. I want you to, however,	10:21
22	provide us with your best estimate based on the knowledge	10:21
23	that you have today. All right?	10:21
24	A Yes.	10:21
25	Q So an example of that is I may ask you, for example,	10:21

1	how long this table is. You may not have a measuring tape to	10:21
2	measure the exact length, but you can probably eyeball it and	10:21
3	say, "Yeah. It's probably right around seven feet or so."	10:21
4	Okay?	10:21
5	I'll be asking you events that occurred some years	10:21
6	ago. You may not remember all the specific days or times	10:21
7	that certain events or conversations took place, but	10:21
8	certainly you can provide us with an estimate of when you	10:22
9	think -- in what month, what part of the year -- an event	10:22
10	took place. Okay?	10:22
11	A Okay.	10:22
12	Q All right. Is there any reason why you cannot give	10:22
13	your best testimony here today?	10:22
14	A No.	10:22
15	Q Are you taking any medication that you believe could	10:22
16	impair your ability to give your best testimony?	10:22
17	A No.	10:22
18	Q When was the last time you took an -- consumed an	10:22
19	alcoholic beverage?	10:22
20	A Probably a year. I don't drink; so --	10:22
21	Q Okay. Even better. Did you review any documents in	10:22
22	preparation for your deposition today?	10:22
23	A Yes.	10:22
24	Q And what documents did you review?	10:22
25	A I reviewed the Internal Affairs complaint that was	10:22

1	Q	Was it just one individual whom you spoke with from	10:30
2		Internal Affairs about this case?	10:30
3	A	I believe there were two that interviewed me. At	10:30
4		least one.	10:30
5	Q	Does the name John Jizmejian -- does that sound	10:30
6		familiar?	10:30
7	A	Yes.	10:30
8	Q	Do you recall the second individual who you may have	10:30
9		spoken with, or who may have been present in your meeting	10:30
10		with them, with Internal Affairs?	10:30
11	A	I don't remember his name.	10:30
12	Q	Okay. Now, through the course of this deposition,	10:30
13		I'm going to ask you some background -- about your	10:30
14		background. And I know some of the answers to those	10:30
15		questions will probably seem patently obvious, especially	10:30
16		given the fact that I work for the City of Los Angeles, your	10:30
17		current employer. But I just want to reassure you I'm not	10:30
18		asking those questions to annoy or harass you.	10:30
19	A	Okay.	10:30
20	Q	It's just simply to establish some foundation and	10:30
21		context for the later questions I'm going to ask. Okay?	10:31
22	A	Okay.	10:31
23	Q	All right. Thanks. Where do you currently work?	10:31
24	A	I'm assigned to Southeast Division.	10:31
25	Q	And let me be a little bit more specific and clear.	10:31

1	Who do you work for -- what department for the City of	10:31
2	Los Angeles?	10:31
3	A I work for the Los Angeles Police Department.	10:31
4	Q Okay. I know during the course of your deposition,	10:31
5	we're going to be probably using a lot of acronyms. But what	10:31
6	I'm going to try to do my best is we're going to define the	10:31
7	acronyms, and then we'll just use acronyms here on out.	10:31
8	A Okay.	10:31
9	Q Just to make things easier. Okay? So you work	10:31
10	currently for the L.A.P.D., the Los Angeles Police	10:31
11	Department; correct?	10:31
12	A Yes.	10:31
13	Q All right. And when did you first work for the	10:31
14	L.A.P.D.?	10:31
15	A I was hired November 14th, 1988.	10:31
16	Q And can you just give me just a brief summary of	10:31
17	your education and background prior to you joining the	10:31
18	L.A.P.D. back in 1988.	10:31
19	A Prior to joining the police department, I was a	10:31
20	paramedic. And prior to that, I was an emergency medical	10:32
21	technician. And prior to that, I worked at Domino's Pizza	10:32
22	out of high school.	10:32
23	Q And did you work as a paramedic for the City of	10:32
24	Los Angeles?	10:32
25	A No.	10:32

1	Q	What about as an emergency technician? Did you work	10:32
2		for the City of L.A.?	10:32
3	A	No.	10:32
4	Q	Were those with -- were either of those positions	10:32
5		with -- with private entities?	10:32
6	A	They were both private entities.	10:32
7	Q	And what is your current rank and title?	10:32
8	A	I am a Lieutenant I, a watch commander.	10:32
9	Q	At Southeast?	10:32
10	A	Yes.	10:32
11	Q	And is that over Patrol?	10:32
12	A	Yes.	10:32
13	Q	And how long have you been in that role, or that	10:32
14		position?	10:32
15	A	Since approximately a year and a half. It was -- I	10:32
16		don't remember the exact date, but it was -- after I was	10:33
17		downgraded, I was loaned temporarily to an assignment putting	10:33
18		together the Police World Fire Games. And then when that	10:33
19		concluded, I was transferred to Southeast Division.	10:33
20	Q	And who is your current, I guess, direct supervisor	10:33
21		whom you report to?	10:33
22	A	The Captain I there is Stacey Spell.	10:33
23	Q	How do you spell her last name?	10:33
24	A	S-p-e-1-l.	10:33
25	Q	Is that "Stacy," S-t-a-c-y?	10:33

1	A	I believe it's "e-y", and it's a he.	10:33
2	Q	Oh, it's a he. Okay. And did you have a prior	10:33
3		captain when you were first assigned to Southeast on that	10:33
4		transfer?	10:33
5	A	The Captain I when I was first transferred there was	10:33
6		Captain Paglialonga, and the Captain III over the entire	10:33
7		division was Captain Pasos.	10:34
8	Q	And I'm sorry. How do you spell the first name?	10:34
9	A	I would be guessing as much as you are.	10:34
10	Q	Okay. Can you just give me the best spelling that	10:34
11		you can provide.	10:34
12	A	P-a-g-l-i-a-l-o-n-g-a, I believe.	10:34
13	Q	Okay. We'll try to obtain the spelling of it, and	10:34
14		I'll see if --	10:34
15	A	I think that's it.	10:34
16	Q	Okay. Is that a male or female?	10:34
17	A	A male.	10:34
18	Q	And Captain Stacey Spell -- is he a Captain I?	10:34
19	A	Yes.	10:34
20	Q	Okay. Was there an interim captain between Captain	10:34
21		Spell and Captain Paglialonga?	10:34
22	A	No, not to my knowledge.	10:34
23	Q	Okay. And what are some of your current duties as a	10:34
24		watch commander over at Southeast Division?	10:34
25	A	A watch commander is a supervisor in charge of a	10:34

1	patrol watch and oversees all aspects of a watch of police	10:34
2	officers and sergeants, including field activities,	10:35
3	administrative tasks, and screening prisoners. It's the full	10:35
4	gamut.	10:35
5	Q Is there a particular watch which you serve as a	10:35
6	watch commander?	10:35
7	A I was assigned to the morning watch, the graveyard	10:35
8	shift.	10:35
9	Q And what time frame does the graveyard shift cover?	10:35
10	A 7:00 P.M. to 7:00 A.M.	10:35
11	Q Was that a watch you selected -- graveyard?	10:35
12	A Yes, I believe so, eventually. It was a	10:35
13	conversation between myself and the captains and --	10:35
14	Q And how many officers do you, on average, supervise	10:35
15	on graveyard watch? Just an estimate's fine.	10:35
16	A Probably around 40 or so.	10:35
17	Q And what's the range of ranks of these officers whom	10:35
18	you supervise?	10:36
19	A They range from probationary officers in their first	10:36
20	assignment all the way to Police Officer II positions, field	10:36
21	training officers, and sergeants.	10:36
22	Q And when did you first become a watch commander for	10:36
23	Southeast Division?	10:36
24	A Again, I'm not sure of the exact date. It was -- it	10:36
25	would -- sometime in probably late 2017 or early 2018.	10:36

1	Probably later 2017 -- sometime around there, I believe.	10:36
2	Q So would you say approximately August, September?	10:36
3	Fall?	10:36
4	A Yeah. I don't know. It was after the Police	10:36
5	Olympics had concluded. We had -- one month after that was	10:36
6	when everybody was transferred back to their assignments.	10:36
7	Q When are the Police Olympics held?	10:37
8	A I don't know. I think -- I would be guessing on the	10:37
9	regularity. This was just something they put me in, when I	10:37
10	was downgraded, to work on.	10:37
11	Q So it was a temporary assignment?	10:37
12	A Yes.	10:37
13	Q All right. And where were you previously assigned	10:37
14	before you went to the Police -- to work the Police Olympics	10:37
15	assignment?	10:37
16	A I was a Lieutenant II plus II, assigned to Emergency	10:37
17	Services Division, Explosive Detection K-9 section -- the	10:37
18	bomb dogs.	10:37
19	Q Okay. Let me just get this out of the way. I'm	10:37
20	going to show you what's marked as Exhibit 1. Here you go	10:37
21	(indicating). Here's your copy.	10:37
22	(Defendant's Exhibit 1 was marked for identification	10:37
23	and is annexed hereto.)	10:37
24	BY MR. KONG:	10:37
25	Q And what I'm showing you marked as Exhibit 1 is an	10:37

1	amended notice for today's deposition. Did you get a copy of	10:37
2	this document previously?	10:37
3	A It looks familiar. I believe so.	10:38
4	Q Okay. And you're appearing today in response to	10:38
5	this deposition notice which we served on your counsel;	10:38
6	correct?	10:38
7	A Yes.	10:38
8	Q All right. Thanks. You can hand me Exhibit 1 back.	10:38
9	Thank you. Do you know what a TEAMS report is?	10:38
10	A Yes.	10:38
11	Q What is a TEAMS report, based on your understanding	10:38
12	and knowledge, having worked in the L.A.P.D.?	10:38
13	A A TEAMS report is a Training Evaluation And	10:38
14	Management System document that is produced for supervisors	10:38
15	and managers to review various items that are codified of a	10:38
16	person's career to include their work history; work permits;	10:38
17	their discipline history; commendation history; risk	10:38
18	management information system hits, including civil	10:38
19	litigation; their qualification attempts. And I may be	10:38
20	missing something, but it's a risk-management tool.	10:39
21	Q Okay. Is it safe to say that a TEAMS report	10:39
22	provides a good summary of a particular officer's employment	10:39
23	history with the L.A.P.D.?	10:39
24	A Yes. A chronological -- I wouldn't say it's the --	10:39
25	Yes. My answer is yes.	10:39

1	pursuits city-wide -- the management; a Traffic Coordination	10:43
2	Section that handled traffic on a bureau level for the city;	10:43
3	and also like an Emergency Management Section that was	10:43
4	involved in emergency planning and training and things of	10:43
5	that nature.	10:43
6	So it was kind of a different group of different	10:43
7	types of entities put under one umbrella called Emergency	10:43
8	Operations Division.	10:43
9	Q I see. So E.O.D. appears to have covered a pretty	10:43
10	diverse array of different units.	10:43
11	A Yes.	10:43
12	Q Okay. Did it have -- did E.O.D. oversee any	10:43
13	bomb-detection assignments?	10:43
14	A No.	10:43
15	Q Okay. Now, going back to your rank history here, on	10:43
16	page 4 -- just for clarification and for the record -- it	10:43
17	says here that you became a Lieutenant II as of September 16,	10:44
18	2007; correct?	10:44
19	A Yes.	10:44
20	Q All right. And you became a Lieutenant I back in	10:44
21	October 16 of 2005; correct?	10:44
22	A Yes.	10:44
23	Q All right. And then going back up -- and I'm going	10:44
24	out of order here -- but January 1st of 2012, it says here	10:44
25	that you were assigned to E.S.D. as an O.I.C. of Firearms and	10:44

1	Explosives, another covered assignment. Do you see that?	10:44
2	A Yes, I see that.	10:44
3	Q Is that accurate?	10:44
4	A No. The position description isn't accurate. I was	10:44
5	in charge of the Bomb K-9 Section.	10:44
6	Q All right. I'm going to go into that here in a	10:44
7	little bit. What does E.S.D. stand for?	10:44
8	A E.S.D. stands for Emergency Services Division.	10:44
9	Q And as a brief summary, what does Emergency Services	10:44
10	Division do, based on what you know?	10:44
11	A Emergency Services Division is comprised of the	10:44
12	Hazardous Device and Materials Section, commonly known as the	10:45
13	bomb squad, and the Haz-Mat Unit. It also has a Logistic	10:45
14	Section that handles all the trucks, and then it also had the	10:45
15	Bomb Detection K-9 Section, which was the one I was in charge	10:45
16	of.	10:45
17	Q Now, prior to you joining E.S.D., had you been a	10:45
18	police canine handler for the L.A.P.D.?	10:45
19	A No.	10:45
20	Q Did you receive any sort of training with regards to	10:45
21	the handling of police canines prior to joining E.S.D.?	10:45
22	A No.	10:45
23	Q Had you worked previously in the bomb squad?	10:45
24	A No.	10:45
25	Q Now, for this position which you got at E.S.D., was	10:45

1	this something that you had applied for?	10:45
2	A Yes.	10:45
3	Q And can you just briefly describe for us what that	10:45
4	application process involved.	10:45
5	A You -- it involves an application, a 15.88 form.	10:45
6	You attach your TEAMS report, the promotional TEAMS report,	10:45
7	and your last two performance evaluations. You submit those.	10:46
8	You're scheduled for an interview. You go before an	10:46
9	interview panel. Your interview is scored, and the chain of	10:46
10	command makes a decision on who they wish to hire for the	10:46
11	position. And I did all those things and was hired	10:46
12	ultimately for the position.	10:46
13	Q Now, the position which you applied for and was	10:46
14	interviewed for -- was that position specifically to be the	10:46
15	O.I.C. of the Bomb K-9 Unit?	10:46
16	A That was my understanding, yes.	10:46
17	Q Okay. And what is the official -- strike that. The	10:46
18	official name of the Bomb K-9 Unit is Bomb Detection K-9	10:46
19	Section; correct?	10:46
20	A It's had different titles, but Explosive Detection	10:46
21	K-9 Section is probably the longest description.	10:46
22	Q And so for purposes of our deposition -- I mean,	10:46
23	just for ease of our conversation, if I say, "Bomb K-9,"	10:46
24	you'll know what that means; correct?	10:46
25	A Yes.	10:47

1	Q	It will refer to the Explosive Detection K-9	10:47
2		Section; correct?	10:47
3	A	Yes.	10:47
4	Q	Okay. And then at the time you joined the Bomb K-9	10:47
5		as the O.I.C. on January 1st, 2012, who was the captain over	10:47
6		E.S.D.?	10:47
7	A	Captain Thomas McDonald.	10:47
8	Q	And at some point, was there a Captain John	10:47
9		Incontro?	10:47
10	A	Yes.	10:47
11	Q	When did -- as an estimate, when did Captain	10:47
12		Incontro become captain of E.S.D.?	10:47
13	A	I don't know the exact date.	10:47
14	Q	At some point, though, he did retire; correct?	10:47
15	A	Captain Incontro?	10:47
16	Q	Yes.	10:47
17	A	Yes.	10:47
18	Q	Do you know approximately when that was?	10:47
19	A	I'd be guessing. So, no, I don't -- I don't know	10:47
20		the exact date.	10:47
21	Q	And after Captain Incontro, there was, I believe, a	10:47
22		Captain Solano?	10:48
23	A	Yes. Captain Rolando Solano.	10:48
24	Q	Do you know approximately from what date to what	10:48
25		date he was the captain of E.S.D.?	10:48

1	A Well, he left in I believe around March of 2016, and	10:48
2	he was there for about a year -- maybe a little more -- prior	10:48
3	to that.	10:48
4	Q So approximately -- what -- early 2015 through March	10:48
5	of 2016?	10:48
6	A Somewhere -- about a year prior to that. Around	10:48
7	March of 2016.	10:48
8	Q Okay. And after Captain Solano, I believe it was	10:48
9	Captain Kathryn Meek.	10:48
10	A Yes --	10:48
11	Q And she became a captain over E.S.D.; correct?	10:48
12	A Yes.	10:48
13	Q And all these captains which I've identified --	10:48
14	Captains Meek, Solano, Incontro, and also whom you identified	10:48
15	as Captain McDonald -- these were captains whom you directly	10:48
16	reported to; correct?	10:48
17	A Yes.	10:48
18	Q All right. So for background -- going back now --	10:48
19	as the O.I.C. of Bomb K-9, can you give me a brief summary of	10:48
20	the duties and functions of Bomb K-9, what they did?	10:49
21	A The L.A.P.D. Bomb K-9, at the time, participated in	10:49
22	a joint program with the Los Angeles Airport Police	10:49
23	Department and had a joint K-9 Unit. Each agency provided a	10:49
24	lieutenant, two sergeants, and fifteen K-9 handlers into this	10:49
25	joint program which was under the Transportation Safety	10:49

1	Administration K-9 program, which oversaw -- was the umbrella	10:49
2	authority over the K-9 program.	10:49
3	My role was to be the officer in charge of the K-9	10:49
4	unit. And in that, my duties were to oversee training;	10:49
5	procurement of animals; adherence to the rules the T.S.A. had	10:49
6	for the program, which are codified in a Statement of Joint	10:50
7	Objectives and in an M.O.U. and other various documents.	10:50
8	I managed -- with the supervisors', you know,	10:50
9	delegations, of course -- ensuring we had canine coverage for	10:50
10	special events, we had canine coverage for the airport. I	10:50
11	participated in crime-control meetings at the airport;	10:50
12	meetings with the T.S.A. and airport police; my own chain of	10:50
13	command; and, you know, just various other, you know, duties	10:50
14	to enhance the unit and keep it operational and things of	10:50
15	that nature.	10:50
16	Q And before you became a Lieutenant II of the Bomb	10:50
17	K-9 Section, who was the prior lieutenant whom you took over	10:50
18	for?	10:50
19	A It was Lieutenant Brian Johnson.	10:50
20	Q When you arrived at Bomb K-9 as the O.I.C., was	10:50
21	Kathryn Meek there?	10:51
22	A No.	10:51
23	Q At some point, was Kathryn Meek a lieutenant in the	10:51
24	Bomb K-9 Unit?	10:51
25	A That is my understanding, that she was -- had that	10:51

1 like that, if that's what you're talking about, saying, "Hey. 11:09  
2 These are these issues." All of my ratings were great, and 11:09  
3 everybody said I was doing a fantastic job. 11:09  
4 Q At the time, had you heard any direct comments from 11:09  
5 any of your subordinates about how you were managing them? 11:09  
6 A As to that specific time, I don't have a 11:09  
7 recollection. But as far as a theme -- 11:09  
8 Q What was the theme? 11:09  
9 A That I was too by-the-book and that I documented too 11:09  
10 much and that my role should be to quash complaints and 11:09  
11 handle things more informally. 11:09  
12 Q Anything else? 11:09  
13 A Handlers had thanked me for doing what I said I 11:10  
14 would do when I came in. Because one of the first things I 11:10  
15 did when I came in is I got a whiteboard out and I had a unit 11:10  
16 meeting, and I said, "Tell me everything if you had a 11:10  
17 Christmas list of things that you would want this unit to 11:10  
18 achieve as far as equipment and training." 11:10  
19 And we did the list, and I had delivered on, I 11:10  
20 believe, almost all of that -- better training, more calls to 11:10  
21 go on, better quality dogs, new cars, grant funding -- things 11:10  
22 of that nature. 11:10  
23 So people were appreciative of that, that I had 11:10  
24 done -- the comments were that I had done more than any prior 11:10  
25 lieutenant had done for them. 11:10

1	Q	Anything else?	11:10
2	A	That's about it.	11:10
3	Q	And going back, what evidence or information did you	11:10
4		have that Meek was involved in any sort of alleged personal	11:10
5		relationship with Deluccia outside of work?	11:11
6	A	I -- I've already spoken about the conversation with	11:11
7		Mitch Lambdin. Another officer that had mentioned it at some	11:11
8		interaction we had was Officer John Long, and Tom Deluccia	11:11
9		himself told me.	11:11
10	Q	When was this conversation that you had with John	11:11
11		Long?	11:11
12	A	I don't remember the date.	11:11
13	Q	Was this before or after Captain Meek became	11:11
14		commanding officer of the Bomb K-9 squad?	11:11
15	A	It was after.	11:11
16		I'm sorry. I stepped on you. I apologize.	11:11
17	Q	Okay. And then what about Tom Deluccia? When did	11:11
18		that conversation take place?	11:11
19	A	That took place about a couple of weeks before she	11:11
20		took command of the division, and that's where I had learned	11:11
21		she was the new captain of the division. He came and sought	11:11
22		me out and told me.	11:11
23	Q	Did you discuss anything else in the course of that	11:12
24		conversation with Officer Deluccia?	11:12
25	A	He had said that -- he told me, "You know Kathy and	11:12

1	I are very close, don't you?"	11:12
2	I said, "Yeah, I heard that."	11:12
3	And he said, "Very close." And he took his index	11:12
4	and I guess middle finger, crossed them, and then started	11:12
5	taking the upper finger and started moving it up and down,	11:12
6	and he said, "You know we're very close."	11:12
7	And I said, "Yeah, I heard about that."	11:12
8	And then he proceeded to tell me that she hated both	11:12
9	Johns, referring to John Long and John Borquez in the unit --	11:12
10	that she hated them. She can't stand Officer Hennigan in the	11:12
11	bomb squad, and those are the three names I remember that he	11:12
12	mentioned that she had told him that they better watch out	11:12
13	when she comes there.	11:12
14	And I said, "Well, what about K-9?" And then he	11:12
15	didn't say anything about K-9.	11:13
16	Q How would you describe your working relationship	11:13
17	with Tom Deluccia?	11:13
18	A Good at times; other times, not as good. When I	11:13
19	would have to hold him accountable for things that he did, he	11:13
20	would complain. And he was a source of a couple of rumors	11:13
21	about me.	11:13
22	Q Now, how long had you supervised him up until the	11:13
23	time that Captain Meek took over E.S.D.?	11:13
24	A I stopped supervising him right when she arrived at	11:13
25	E.S.D. She moved him from under my authority.	11:13

1	Q	So at that point in time, how long had you been	11:13
2		supervising Officer Deluccia?	11:13
3	A	From January, 2012, up until, I guess, March of	11:13
4		2016.	11:13
5	Q	And you said that it was good at times and bad at	11:13
6		times -- correct -- with Officer Deluccia?	11:13
7	A	Yes.	11:13
8	Q	And I want you to describe for me exactly what the	11:14
9		bad times entailed.	11:14
10	A	He -- he had a -- I had to -- he had an incident at	11:14
11		his house with his canine, where he left his canine at the	11:14
12		home instead of kenneling it like he's supposed to, or with	11:14
13		another handler, while he was out of town on military leave.	11:14
14		And his retired canine that he had at home and his	11:14
15		newly purchased canine -- his wife and child got in there --	11:14
16		into the canine cage and let the canines mix, and it resulted	11:14
17		in an attack on one dog against the other and almost killed	11:14
18		the other dog, it was mauled so bad, where I had to roll out	11:14
19		with supervision and investigate it and do a report. And I	11:14
20		think ultimately he was written up for it.	11:14
21		He had also, on one specific occasion, approached me	11:14
22		in the office and gave me training orders that he was going	11:14
23		to deploy for training in the military. He's a reservist,	11:15
24		and he gave me the orders. It was -- I think it was like a	11:15
25		week before he was going to deploy out.	11:15

1	And I had a conversation with him, saying -- asking	11:15
2	him why I was getting these orders a week out when he runs	11:15
3	all the training aspects of his battalion that he would tell	11:15
4	me about and he knew months in advance.	11:15
5	And it was, like -- I felt -- and after we had	11:15
6	already done our deployment and our deployment was so tight	11:15
7	getting enough canines to work, that I felt this was kind of	11:15
8	a slap in the face -- "I'm doing this on purpose to you."	11:15
9	And he had -- as a result of that interaction, he	11:15
10	had called the military liaison for the department and said	11:15
11	that I don't support reserve officers and people in the	11:15
12	military, who in turn called Captain McDonald, who -- or	11:15
13	Incontro, I believe, who called me and told me about it.	11:15
14	I said, "That's not" -- "That's the farthest from	11:15
15	the truth."	11:15
16	And then he had spread a rumor that I don't support	11:15
17	the Police Unity Tour, which is a bike tour for fallen	11:16
18	officers that's done in Washington, D.C, during Police Week.	11:16
19	So things like that. Just he was kind of a person	11:16
20	who was always out for himself. And I knew the personality.	11:16
21	We had some good interactions as far as establishing, you	11:16
22	know, some K-9 stuff. But he was someone who was a	11:16
23	supervisory challenge.	11:16
24	Q And do you know what branch of the military service	11:16
25	he was a reservist in?	11:16

1	A	I believe it's the Army or National Guard or one of	11:16
2		those.	11:16
3	Q	And that particular time that he requested military	11:16
4		service -- do you know approximately how much time he was	11:16
5		asking to serve?	11:16
6	A	I don't remember if it was a couple of weeks or a	11:16
7		month or -- you know, it was time away.	11:16
8	Q	And did you approve that request?	11:16
9	A	Yeah. No, he --	11:16
10	Q	And as far as the Police Unity Tour is concerned,	11:16
11		did you at any point ever call it a sham?	11:17
12	A	It was an interaction I had with Officer Harrington	11:17
13		and I believe Deluccia was there, and we were discussing	11:17
14		riding and preparing for the ride. And they were going to	11:17
15		Washington, and we were joking in the office.	11:17
16		I don't know if I used the "sham," but -- word	11:17
17		"sham," but I said something to the effect to, like,	11:17
18		Officer Harrington, I believe, or -- I was like "Oh, you're	11:17
19		going on your vacation" or something like that and --	11:17
20		something to that effect.	11:17
21		But it was an interaction back and forth. It wasn't	11:17
22		anything like "You're doing this, and you're defrauding the	11:17
23		department" or anything official. It was just us talking.	11:17
24	Q	So you don't deny the fact that you may have	11:17
25		described the Police Unity Tour as a sham in that	11:17

1	a supervisory rank.	12:32
2	Q Do you recall who those sergeants were?	12:32
3	A I don't remember for Officer Hollenback's.	12:32
4	Q And my understanding is any time you have a vacancy	12:32
5	for a coveted position --	12:33
6	Which this was; correct?	12:33
7	A Yes.	12:33
8	Q -- typically you interview the candidates. You rate	12:33
9	them on a rating scale, and those that are rated, quote,	12:33
10	unquote, as "outstanding" are the ones who are then	12:33
11	considered -- or put into, I guess, the final pool of	12:33
12	candidates to be considered for selection for the coveted	12:33
13	assignment; correct?	12:33
14	A Yes.	12:33
15	Q And in this instance, upon interviewing Hollenback,	12:33
16	how did you rate him?	12:33
17	A If he got the --	12:33
18	MR. SALUTE: Collectively, or just him?	12:33
19	MR. KONG: Just him.	12:33
20	THE WITNESS: I don't recall what specific rating I gave	12:33
21	him.	12:33
22	BY MR. KONG:	12:33
23	Q But based on the fact that he was eventually	12:33
24	selected for the position, is it safe to assume that he would	12:33
25	have received an "outstanding" rating from the interview pool	12:33

1	that you participated in?	12:33
2	A Yes.	12:33
3	Q Do you know if there were any other candidates who	12:33
4	also were in the running with Hollenback who had received	12:33
5	this "outstanding" rating based on their interviews?	12:34
6	A I couldn't tell you specific names, but there	12:34
7	generally are a group that make it to the "outstanding" pool.	12:34
8	Q Do you know who Mark Sauvao is?	12:34
9	A Yes.	12:34
10	Q How do you know Mark Sauvao?	12:34
11	A Mark Sauvao is a K-9 handler in the K-9 unit.	12:34
12	Q Was he a K-9 handler at the time that you came in as	12:34
13	the O.I.C. of the K-9 unit?	12:34
14	A Yes.	12:34
15	Q And do you know approximately how long he had been	12:34
16	there by the time you had arrived as the O.I.C.?	12:34
17	A I don't know.	12:34
18	Q Can you describe for me generally how your working	12:34
19	relationship was like with Officer Sauvao.	12:34
20	A Not much interaction. He usually worked the night	12:34
21	watch. He was a K-9 handler when I first arrived there; so	12:34
22	pleasantries, but not a big -- lot of talk between us.	12:34
23	Q Did he ever initiate a personnel complaint against	12:34
24	you?	12:34
25	A He did.	12:34

1	Q	And you became the subject of an investigation based	12:35
2		on complaints he made about you?	12:35
3	A	Yes.	12:35
4	Q	Do you know what the outcome of that investigation	12:35
5		was?	12:35
6	A	There were -- I would have to refresh my	12:35
7		recollection if you have the letter of transmittal, but there	12:35
8		was nothing sustained. All the allegations against me were	12:35
9		either unfounded, being no misconduct, or not resolved.	12:35
10	Q	And do you know who adjudicated that letter of	12:35
11		transmittal?	12:35
12	A	I think earlier I indicated the responsibility lies	12:35
13		with the captain, but that was -- could have been delegated.	12:35
14	Q	So this -- this complaint -- this is the same	12:35
15		complaint investigation which you spoke about that	12:35
16		involved -- is it an Officer Salinas?	12:35
17	A	Yes. I may be combining them here, and maybe	12:35
18		there's two -- I think there's two separate ones, but, yeah,	12:35
19		it's -- these are all contemporaneous.	12:35
20	Q	Now, for the vacancy which Officer Hollenback had	12:35
21		interviewed for, did Officer Sauvao at any point recommend	12:35
22		someone who he thought should have been selected for the	12:36
23		position?	12:36
24	A	I don't remember if he did or if he didn't.	12:36
25	Q	Do you know who ultimately approved Officer	12:36

1	Hollenback for the position?	12:36
2	A The ultimate approval would be the Bureau on any	12:36
3	candidate.	12:36
4	Q Was it your recommendation to have Hollenback hired	12:36
5	for the position?	12:36
6	A I don't remember if I -- my recollection is he did	12:36
7	well, I liked him, but I don't know if there was someone else	12:36
8	that, you know, I liked better.	12:36
9	Q As the interviewer and the O.I.C. of the unit, were	12:36
10	you looking to bring in someone from the outside, meaning	12:36
11	someone who never had worked within bomb squad or Bomb K-9 to	12:36
12	come in to the unit as a handler?	12:36
13	A I would say no. My preference was the personality	12:36
14	of the person. I believe that police officers can learn that	12:37
15	position because we have sufficient training. I was looking	12:37
16	more towards the individual person, how they would interact	12:37
17	with others in a team environment.	12:37
18	Q Do you recall having a conversation with Mark Sauvao	12:37
19	about a close friend of Sauvao's whom he wanted hired for the	12:37
20	position?	12:37
21	A If you could tell me the name, maybe that would	12:37
22	spark a recollection. But no.	12:37
23	Q Did Mark Sauvao ever tell you that he was upset at	12:37
24	the fact that his friend was not selected for the position?	12:37
25	A I don't really have a recollection of that. So it	12:37

1	retaliated against by the department for having reported Mark	1:00
2	Sauvao as it relates to this incident involving Hollenback?	1:00
3	A Yes.	1:00
4	Q And why is that? What's the basis of your belief?	1:00
5	A Well, the basis of my belief that I've been	1:00
6	retaliated against is beyond the -- you know, the reporting	1:00
7	of Sauvao. But that portion of it.	1:00
8	The handlers that made allegations against me -- and	1:00
9	I think this is -- also was the conclusion that the	1:00
10	department made in my investigation -- had coordinated their	1:00
11	complaints against me in a retaliatory fashion.	1:00
12	Q So the reason why you believe you were retaliated	1:00
13	against for having reported Sauvao is the fact that the	1:00
14	subordinates, whom you had supervised at the time, had	1:00
15	coordinated complaints against you.	1:00
16	A With him.	1:00
17	Q With Sauvao.	1:00
18	A Yes.	1:00
19	Q And Sauvao was one of your subordinates at the time;	1:00
20	correct?	1:00
21	A Yes.	1:00
22	Q He was not a supervisor; correct?	1:00
23	A No.	1:00
24	Q He wasn't your supervisor; right?	1:01
25	A No.	1:01

1	Q	And you had -- it was never your allegation or	1:01
2		belief that somehow Captain Meek coordinated with the	1:01
3		subordinates for them to make the complaint against you;	1:01
4		correct?	1:01
5	A	That's incorrect.	1:01
6	Q	And what's incorrect about that?	1:01
7	A	I believe she coordinated with them.	1:01
8	Q	How do you know that?	1:01
9	A	I base that on my own conclusions of the -- of my	1:01
10		experience and my investigation that I, you know, read and	1:01
11		what limited stuff I've been allowed to read on my own case.	1:01
12	Q	You said that you based it on your own conclusions;	1:01
13		correct?	1:01
14	A	Well, I based it on what happened to me. So I'm	1:01
15		telling you based on what happened to me.	1:01
16	Q	I'm sorry. When you say you "based it on what	1:01
17		happened to" you, are you saying based on what ultimately	1:01
18		happened to you, which was -- what -- the transfer out of the	1:01
19		K-9 unit?	1:01
20	A	No. It started much -- it started when she first	1:01
21		got there with the transfer of those K-9 teams away and	1:01
22		progressed through a series of events that ultimately led to	1:02
23		her removing me from the unit.	1:02
24	Q	Okay. The transfer of the K-9 units -- so we're	1:02
25		talking about the bomb squad dogs -- correct -- or the	1:02

1	non-T.S.A. dogs.	1:02
2	A The City dogs.	1:02
3	Q The City dogs. I'm sorry. So the transfer of the	1:02
4	City dogs -- that occurred before this incident occurred	1:02
5	between Hollenback and Sauvao; correct?	1:02
6	A Yes.	1:02
7	Q All right. And that occurred before you had made	1:02
8	any sort of report to Internal Affairs about some suspected	1:02
9	misconduct by Sauvao as it related to Hollenback's test;	1:02
10	correct?	1:02
11	A Yes.	1:02
12	Q All right. And so now going back to your earlier	1:02
13	testimony, you said that you formed your own conclusions that	1:02
14	you believe that Captain Meek had coordinated with your	1:02
15	subordinates for a complaint to be alleged against you. You	1:02
16	said that you did your own investigation. What investigation	1:02
17	specifically did you do?	1:03
18	A I used a bad choice of words. I didn't do my own	1:03
19	investigation. I'm basing it on my experience of what	1:03
20	happened to me and what I'd read in my own letter of	1:03
21	transmittal and the investigation that was done of the	1:03
22	allegations made against me.	1:03
23	Q Was Captain Meek ever investigated as an accused	1:03
24	party in that investigation involving your subordinates	1:03
25	against you?	1:03

1	MR. SALUTE: Wait, wait.	1:03
2	THE WITNESS: I don't understand that. In my complaint	1:03
3	that it was filed against me?	1:03
4	MR. SALUTE: Let him re-ask it if you don't --	1:03
5	BY MR. KONG:	1:03
6	Q Sure. In that investigation we're talking about,	1:03
7	we're talking about Sauvao and several of your subordinates	1:03
8	launching a complaint against you.	1:03
9	A Yes.	1:03
10	Q So you were the one that was being investigated by	1:03
11	Internal Affairs; correct?	1:03
12	A Yes.	1:03
13	MR. SALUTE: Well, I think everybody was being	1:03
14	investigated, but I think the issue that you're trying to get	1:03
15	to is was he the accused officer.	1:03
16	MR. KONG: I'm going to get to that.	1:04
17	Q Your last answer was "Yes"; correct?	1:04
18	A Yes.	1:04
19	Q All right. Now, was Captain Meek also an accused	1:04
20	party in that complaint?	1:04
21	A Not in my complaint, to my knowledge.	1:04
22	Q Do you know if Officer Hollenback experienced any	1:04
23	retaliation for his complaint to you about his suspicions	1:04
24	that Sauvao tampered with his test?	1:04
25	A Yes.	1:04

1 believed he suffered retaliation? 1:07  
2 A He didn't use those words. He had -- this was right 1:07  
3 before I was out of the unit. He was talking -- he talked to 1:07  
4 me about how he was being isolated by the other handlers, 1:07  
5 they were ignoring him in the workplace -- those things that 1:07  
6 start to lead up to where you're treating somebody different. 1:07  
7 And I communicated those to the captain. So right about that 1:07  
8 time, I was sent out of the unit, and that was about it. 1:07  
9 Q Did you take any steps to see about reporting that 1:07  
10 to Internal Affairs? 1:07  
11 A I believe his stuff was reported to Internal 1:07  
12 Affairs. That's my belief. It's been a while, but it was -- 1:07  
13 I definitely reported any concerns that were relayed to me to 1:07  
14 the captain. 1:07  
15 Q And so it's your belief that the issues that 1:07  
16 Officer Hollenback had reported to you became the subject of 1:07  
17 an I.A. investigation? 1:07  
18 A I'm not sure. 1:07  
19 Q But you were -- you were far gone. You were out of 1:08  
20 the unit by that point? 1:08  
21 A It was pretty quick. 1:08  
22 Q Now, going back, as far as your belief that Captain 1:08  
23 Meek had some hand in the complaint that the subordinates had 1:08  
24 made against you, is it safe to say that your belief is based 1:08  
25 on the fact that, one, the City dogs were transferred out of 1:08

1	your responsibility to the bomb squad?	1:08
2	A That's part of it.	1:08
3	Q Okay. And then the other is exactly what?	1:08
4	A When she first got there, she ordered me to stop	1:08
5	sending any emails to anybody trying to improve the unit.	1:08
6	She told me I'm not allowed to make a decision as O.I.C.	1:08
7	unless I went through her first. She canceled all lieutenant	1:09
8	meetings that were weekly meetings where I would meet with	1:09
9	the captains previously and give updates. I was told to stay	1:09
10	at the airport.	1:09
11	I then received information from a number of sources	1:09
12	that she was soliciting complaints against me, asking people	1:09
13	if they wanted to make a complaint against me. I had the	1:09
14	airport captain, Mario Patrick, come to me; the airport	1:09
15	lieutenant, Edward Trahan, come to me and say, "I don't know	1:09
16	what's going on, but your captain is out to get you, and you	1:09
17	better watch your back."	1:09
18	MR. SALUTE: You need to slow down.	1:09
19	THE WITNESS: I'm sorry.	1:09
20	MR. SALUTE: You're going very fast.	1:09
21	THE WITNESS: I apologize.	1:09
22	MR. KONG: Yeah. Real quick, we're in an enclosed place	1:09
23	and the hardest-working person in here, other than myself and	1:09
24	you, is the very person seated in that seat right there. So	1:09
25	we're going to both do a better job of slowing down, not	1:09

1	talking over each other, and allowing her the opportunity to	1:09
2	do her good, great work.	1:09
3	Q All right. So in terms of soliciting complaints --	1:09
4	MR. SALUTE: Well, he wasn't completely done with his	1:10
5	answer but --	1:10
6	MR. KONG: Okay.	1:10
7	THE WITNESS: Both Sergeant Stark and Sergeant Goens	1:10
8	reiterated the same to me, and Stark had told me that the	1:10
9	captain was meeting with handlers and seeking -- soliciting	1:10
10	complaints against me as well.	1:10
11	BY MR. KONG:	1:10
12	Q Now, when you use the word "soliciting," is that	1:10
13	your word, or is that a word that was used by officers who	1:10
14	were telling you about what Captain Meek was doing?	1:10
15	A Those are my words to describe what was being	1:10
16	relayed to me about what the captain was asking.	1:10
17	Q So "soliciting" is your word.	1:10
18	A "Soliciting" is my word.	1:10
19	Q What were the words or word that Sergeant Stark and	1:10
20	Goens each used to describe to you what they believed or	1:10
21	observed the captain was doing?	1:10
22	A I don't remember the exact words they used as I sit	1:11
23	here today, but it was clear to me from those communications	1:11
24	that she was there trying to get dirt from any source to get	1:11
25	me out of the unit.	1:11

1	Q	Again, is "dirt" your word or their words?	1:11
2	A	That's my word today.	1:11
3	Q	So I want to get a better understanding of what	1:11
4		Sergeant Stark and Goens each told you about what they saw	1:11
5		Captain Meek was doing at the time with regards to your	1:11
6		performance as a supervisor.	1:11
7	A	I don't remember the exact words.	1:11
8	Q	But they didn't use the word "soliciting"; correct?	1:11
9	A	They may have, but I -- I just -- I don't remember	1:11
10		what the exact words were. Those words that I've described	1:11
11		are ones that I -- you know --	1:11
12	Q	But earlier you testified that the "soliciting" --	1:11
13		that that was your word; correct?	1:11
14	A	That's the word that I'm using to describe it.	1:11
15	Q	And "dirt" -- they didn't use the word "dirt";	1:11
16		correct?	1:12
17	A	I'm not saying that. I'm saying I don't remember	1:12
18		the exact verbiage they used. Those are my words to describe	1:12
19		what I remember them telling me, whatever words it was that	1:12
20		they used.	1:12
21	Q	Now, on or around that time, had you been getting	1:12
22		feedback or information that a lot of the subordinates in the	1:12
23		unit were unhappy with your job as supervisor?	1:12
24	A	From Captain Meek in our first meeting.	1:12
25	Q	When you say with Captain Meek from the first	1:12

1	meeting, when was that first meeting?	1:12
2	A I would say it's either -- I believe it was our	1:12
3	first or second meeting, because I think we might have had	1:12
4	the pleasantry one -- like "I'm the new captain" -- that	1:12
5	little short conversation. But it was either one of the	1:12
6	first two within a month of her being there. It was pretty	1:12
7	shortly after her transfer in.	1:12
8	Q Was this a face-to-face meeting?	1:12
9	A Yes.	1:12
10	Q And was this just between you and her?	1:12
11	A Yes.	1:12
12	Q Was this in her office?	1:12
13	A It was in my office at the airport.	1:13
14	Q Was there anyone else present at that meeting?	1:13
15	A No.	1:13
16	Q And how long, approximately, was that meeting?	1:13
17	A Maybe 20 minutes, 15 minutes.	1:13
18	Q Meeting occur on or about May 6 of 2016?	1:13
19	A May or March. I didn't have a lot of interactions	1:13
20	with her in those first few months. But I think -- I know	1:13
21	where you're asking about the May. It could have been in	1:13
22	May.	1:13
23	Q Let me show you what's been marked as Exhibit 3.	1:13
24	(Defendant's Exhibit 3 was marked for identification	1:13
25	and is annexed hereto.)	1:13

1	MR. KONG: Let's take a moment to look at that. That's	1:13
2	yours (indicating).	1:13
3	Q Do you recognize this document?	1:13
4	A Yes.	1:13
5	Q Okay. I'll submit to you this is an employee	1:13
6	comment sheet about you. It looks like it covers a period	1:14
7	from May 6, 2016, to June 10, 2016; is that correct?	1:14
8	A Yes.	1:14
9	Q All right. And did you ever receive this document	1:14
10	or a copy of this document?	1:14
11	A Yes.	1:14
12	Q And when do you recall first seeing this document?	1:14
13	A The day that I was served with it.	1:14
14	Q When were you served with this document?	1:14
15	A I don't -- I don't know the exact date. Some -- it	1:14
16	was a while after that meeting. It was --	1:14
17	Q Well, let me ask you a few questions. Do you notice	1:14
18	on the left-hand column of this page, the first page in	1:14
19	Exhibit 3, there's an incident, June 15, 2016?	1:14
20	A Yes, I see that.	1:14
21	Q Do you recall actually meeting in-person with	1:14
22	Captain Meek on that day to discuss basically what's covered	1:14
23	in this employee comment sheet?	1:15
24	A I remember meeting with her and Captain Sambar.	1:15
25	Q And what's Captain Sambar's first name?	1:15

1	A	I don't know.	1:15
2	Q	And what was Captain Sambar's role at the time?	1:15
3	A	He was a captain at Major Crimes Division.	1:15
4	Q	And is Major Crimes Division part of E.S.D.?	1:15
5	A	No.	1:15
6	Q	Okay. Do you know why he was at the meeting?	1:15
7	A	No.	1:15
8	Q	So have you seen an employee comment sheet that --	1:15
9		the form itself before?	1:15
10	A	Yes.	1:15
11	Q	And do you know, based on your job as a supervisor,	1:15
12		what employee comment sheets are used for?	1:15
13	A	Yes.	1:15
14	Q	What are they used for?	1:15
15	A	Documentation.	1:15
16	Q	Documentation of exactly what?	1:15
17	A	Good performance, results of meetings, expectations	1:15
18		and, you know, things of that nature.	1:15
19	Q	Employee comment sheets can also be used to lay out	1:15
20		some sort of performance improvement plan of employees as	1:15
21		well; correct?	1:15
22	A	They could.	1:16
23	Q	So in this particular employee comment sheet, it	1:16
24		states here in the first paragraph, "On May 6, 2016, we met	1:16
25		and discussed a variety of topics, issues, and expectations	1:16

1       regarding your duties and assignment at Bomb Detection K9                   1:16  
2       Section." Does this refresh your recollection of some sort           1:16  
3       of initial -- or first meeting on May 6, 2016, with Captain           1:16  
4       Meek?   1:16  
  
5       A       I remember that meeting.   1:16  
  
6       Q       Okay. And was this the meeting where both she and           1:16  
7       Captain Sambar were present?   1:16  
  
8       A       No. This was the one where she came down to my                   1:16  
9       office.   1:16  
  
10      Q       This was the meeting which you had described here           1:16  
11      earlier; correct?   1:16  
  
12      A       I don't know if I described it earlier, but I might           1:16  
13      have.   1:16  
  
14      Q       And did she call you ahead of time to set up this           1:16  
15      meeting with you at your office?                                   1:16  
  
16      A       I don't remember.   1:16  
  
17      Q       And did you have -- describe the offices at the LAX           1:16  
18      location. Did you have a separate corner office?                   1:16  
  
19      A       Yeah. I had a room about half the size of this with           1:16  
20      no windows, and -- it's an office with a door.                   1:16  
  
21      Q       And did she meet with you behind closed doors?           1:16  
  
22      A       Yes, I believe the doors were shut.                       1:17  
  
23      Q       And do you know approximately how long that meeting           1:17  
24      was?   1:17  
  
25      A       Again, maybe 15 minutes. It wasn't very long.           1:17

1 Q And aside from the -- we're going to cover some of  
2 the issues here discussed in this exhibit. Did she discuss  
3 with you any other issues having to do with the Bomb  
4 Detection K-9 unit?

5           A     No. She -- she was basically there to tell me that  
6 everybody in the unit hated me. And I was like -- I was  
7 caught completely off-guard. My jaw was open, and I tried to  
8 talk to her about it. She didn't want to talk about it. It  
9 was just basically putting me on notice -- "Everybody here  
10 hates you. They say you throw objects in the building and  
11 that you cuss."

12 And I'm like "What are you talking about? Can you  
13 please let me know who is saying this" or -- you know, "so I  
14 can, you know, give you context on this?"

15 And she says, "Nope, nope, nope."

16 And that was basically the meeting, along with  
17 telling me, "No more emails." You know, again, "We're not  
18 meeting. Stay here. Stop trying to make recommendations to  
19 improve the unit to do stuff." Just basically "Stay at the  
20 airport."

Q So by this time -- May, 2016 -- how many officers or  
how many handlers were you supervising, approximately?

23 A Give or take, the 18 handlers and two sergeants, you  
24 know, depending on vacancies, if there was a vacancy at the  
25 time or not.

1	Q	And of those 18 handlers, how many of those were	1:18
2		actual L.A.P.D. K-9 handlers?	1:18
3	A	All of our 18 are L.A.P.D. handlers. I don't really	1:18
4		include the airport side. I mean, I guess you could say I	1:18
5		supervise them too, but really it's a task force. So --	1:18
6	Q	Yeah. I'm more concerned about the L.A.P.D. folks.	1:18
7		How many of those handlers were L.A.P.D., and you're	1:18
8		saying --	1:18
9	A	All --	1:18
10	Q	-- all of them were L.A.P.D. handlers; correct?	1:18
11	A	Yes.	1:18
12	Q	Okay. And at that time, how many of those handlers	1:18
13		were already part of the unit when you first got there as the	1:19
14		O.I.C. back in 2012?	1:19
15	A	Can you repeat that again. How many --	1:19
16	Q	Yeah, sure. Of the 18 or so handlers whom you	1:19
17		supervised in May of 2016, how many of those handlers had	1:19
18		already been handlers in the unit when you first got there as	1:19
19		the O.I.C.?	1:19
20	A	I don't know. Maybe five or so. Maybe, you know, a	1:19
21		few more.	1:19
22	Q	Was Mark Sauvao already a handler when you got there	1:19
23		as an O.I.C.?	1:19
24	A	Sauvao had been there throughout my tenure.	1:19
25	Q	How about Leslie Salinas?	1:19

1	A	No. She was selected after I got there. Sometime	1:19
2		in between.	1:19
3	Q	What about Alberto Franco?	1:19
4	A	He was selected when I was the O.I.C. there.	1:20
5	Q	What about Deanna Starks?	1:20
6	A	She was selected when I was the O.I.C. there.	1:20
7	Q	And what about Randy Goens?	1:20
8	A	He was selected when I was the O.I.C. there.	1:20
9	Q	And so when Captain Meek told you, in your words,	1:20
10		that your subordinates "hated" you, did that come as a	1:20
11		surprise?	1:20
12	A	The way she said it, yes, it was a surprise.	1:20
13	Q	Well, how did she exactly say it to you that came as	1:20
14		a surprise?	1:20
15	A	Told me that "Everyone hates you."	1:20
16	Q	She used those exact words -- "Everyone hates you"?	1:20
17	A	Yes. Something, yeah, to that effect. That's my	1:20
18		recollection. "Everyone here" -- "Everyone hates you."	1:20
19	Q	And why did that catch you by surprise when she said	1:20
20		that?	1:21
21	A	Because that's a -- it was a strong description that	1:21
22		she did, and I had done a lot for the unit to bring the unit	1:21
23		forward and progress them, and -- and I was pretty open with	1:21
24		people. If they ever had a problem, they could come and talk	1:21
25		to me if they wanted to, and that would be it.	1:21

1	And so it was very -- it was like an attack, a	1:21
2	verbal attack, the way she did it, and I was just -- I was	1:21
3	caught off-guard by it. I didn't think that's what the	1:21
4	purpose of her coming down was.	1:21
5	Q Now, did she in fact tell you that people had	1:21
6	complained that you cuss at work?	1:21
7	A It was something to the effect that I throw items	1:21
8	and I cuss all the time.	1:21
9	Q Okay. Did she use the word "cuss?"	1:21
10	A I don't know what word she used, but it was	1:21
11	something that dealt with cussing or profanity.	1:21
12	Q Did she give you examples of profanity that she was	1:21
13	told that you used?	1:22
14	A No. She gave me no specifics. I asked for them. I	1:22
15	said, "Please, let me help you. This is not" -- "You've got	1:22
16	the wrong impression. That's not what's going on here."	1:22
17	Q So is it your testimony -- well, strike that. Did	1:22
18	you in fact never curse at work?	1:22
19	A Oh, I've used a curse word at work, but not in the	1:22
20	context of what -- that she was making out to me, like I'm	1:22
21	cussing at people. You know, if I get mad at my computer or	1:22
22	my keyboard, I might call it a name, but -- completely	1:22
23	different context.	1:22
24	Q Did Captain Meek actually tell you that she got	1:22
25	reports that you were cussing at people?	1:22

1	A	That I was using profanity at people and I was	1:22
2		throwing objects against the wall or throwing objects in the	1:22
3		workplace, and I was (indicating).	1:22
4	Q	Have you ever -- have you ever said profanity	1:22
5		towards people ever?	1:22
6	A	In my life? I'm sure I have, yes.	1:22
7	Q	Have you ever said profanity to any one of your	1:22
8		subordinates at E.S.D.?	1:23
9	A	Called them a profane name? No.	1:23
10	Q	You've never called anyone a profane name in E.S.D.?	1:23
11	A	Not to their face.	1:23
12	Q	But you've said it behind their backs?	1:23
13	A	Well, to myself, you know, I mean, in my thoughts,	1:23
14		but I don't call people names and make a mockery of them.	1:23
15	Q	Have you ever called someone a profane name in the	1:23
16		presence of other people, not necessarily in front of the	1:23
17		person whom you're directing it to, but in front of other	1:23
18		subordinates?	1:23
19	A	As I sit here, I can't think of an incidence, but in	1:23
20		my whole career -- you know, that's just not who -- how I	1:23
21		comport myself and how I act; so -- but, you know, I can't	1:23
22		say absolutely not, I've never done something, because, you	1:23
23		know -- but that's just not who I am. I'm pretty tight.	1:23
24	Q	I'm sorry?	1:23
25	A	I'm pretty tight. I'm pretty cautious, and like I	1:23

1	the record. It says here, "It is the department's	1:26
2	expectation that all employees be treated respectfully, with	1:26
3	fairness, and provide equal access to assignments and	1:26
4	training opportunities." Captain Meek told you this during	1:26
5	the meeting on May 6th, 2016; correct?	1:26
6	A No.	1:26
7	Q She didn't say any of that to you?	1:26
8	A No. She came in --	1:26
9	MR. SALUTE: You've answered.	1:26
10	THE WITNESS: No, she didn't say that. I'm sorry.	1:26
11	BY MR. KONG:	1:26
12	Q Okay. Did she advise you that the workplace which	1:26
13	you supervised must be free of demeaning, verbally abusive,	1:26
14	threatening, and bullying behavior?	1:26
15	A No.	1:27
16	Q She never said any of that to you?	1:27
17	A No.	1:27
18	Q Did she say to you, quote, "I expect that as a	1:27
19	Section O.I.C. you will ensure the work environment meets	1:27
20	this standard and that you will take corrective action if it	1:27
21	is not"?	1:27
22	A No.	1:27
23	Q She didn't say any of that to you?	1:27
24	A No.	1:27
25	Q So based on this paragraph that I just read, is it	1:27

1 your testimony here today that she did not give you any 1:27  
2 information related to anything that's stated here in this 1:27  
3 paragraph? 1:27

4 A That's correct. She did not. 1:27

5 Q Okay. So even though that she had shared with you 1:27  
6 that she had gotten reports that you were using profanity at 1:27  
7 work and that you were throwing objects -- even based on 1:27  
8 that, you don't believe that she advised you of any of this 1:27  
9 contained in this third paragraph of Exhibit 3? 1:27

10 A Yes. There was nothing of -- that formal ever 1:27  
11 discussed. 1:27

12 Q Okay. Going to the second paragraph, it says here 1:27  
13 that Captain Meek, I guess, advised you that she expected you 1:27  
14 to discuss with her any new procedures or programs you wanted 1:27  
15 implemented at the K-9 section or prior to drafting any 1:28  
16 related documents. Did she say anything similar of that 1:28  
17 nature to you during the meeting? 1:28

18 A She did not use those exact words, and as I 1:28  
19 previously described. 1:28

20 Q Okay. I'm not concerned about exact words that she 1:28  
21 used. I'm more concerned about whether in fact she advised 1:28  
22 you of something similar or of that nature. 1:28

23 A Yes. 1:28

24 Q Okay. And do you know why she was advising you of 1:28  
25 that? 1:28

1	A	I do not know.	1:28
2	Q	Was there a particular incident that happened that	1:28
3		prompted her to advise you of that?	1:28
4	A	The only incident that I am aware of is one on a	1:28
5		bomb-threat call.	1:28
6	Q	And describe for me what happened during that	1:28
7		incident.	1:28
8	A	There was a bomb threat called in the city at a	1:28
9		-- maybe a Wal-Mart or a Lowe's or a big-box store. Under	1:28
10		the protocols, the K-9 supervisor on-call makes the decision	1:28
11		that a canine responds.	1:29
12		I had -- we had a canine deployed to the location,	1:29
13		and it was a nonspecific threat; so it did not need the bomb	1:29
14		squad there. I had called the bomb squad and asked them,	1:29
15		"This is kind of a long search. If you're not doing	1:29
16		anything, do you mind going there to help out on the search?"	1:29
17		And they did.	1:29
18		And when they got there, I had a conversation with	1:29
19		their supervisor over the phone, and he didn't want to search	1:29
20		the location because it was too large and this was, I think,	1:29
21		a nonspecific call. And I wanted the -- I still wanted the	1:29
22		dog to at least do a cursory walk-through with employees as a	1:29
23		measure, which we do. And it was ultimately done.	1:29
24		And later on, I was told by Meek that I had	1:29
25		interfered with the bomb squad supervisor's duty by over --	1:29

1	by telling them how to do their job or something, and	1:30
2	that's -- I'm not a part of the bomb squad.	1:30
3	And I was like "They were there. I had asked them	1:30
4	to come. This was a K-9 handle." That's the only thing I	1:30
5	could think of.	1:30
6	Q And was it your belief that Captain Meek, in her	1:30
7	role as a captain over E.S.D., she had the authority to tell	1:30
8	you that?	1:30
9	A I think any -- yeah. Yes. You can share what	1:30
10	you're feeling about your subordinates, yes.	1:30
11	Q And as a captain, based on your experience and	1:30
12	understanding of the various captains whom you've worked with	1:30
13	at E.S.D., did it fall in line with their duties and	1:30
14	responsibilities to sort of dictate, sometimes, the practice	1:30
15	and protocol of how calls were handled?	1:30
16	A Can you run that by me again. I'm sorry.	1:30
17	Q Sure. Based on the prior experience you had working	1:30
18	for various captains at E.S.D. as an O.I.C., was it your	1:30
19	understanding that captains had discretion in terms of how	1:30
20	certain calls should be handled?	1:31
21	A The captain would -- outranks and, as part of that	1:31
22	hierarchy, could make a decision.	1:31
23	Q And also the captain had the equal discretion also	1:31
24	to dictate on -- dictate on how certain procedures or	1:31
25	programs should be carried out within the unit; correct?	1:31

1	A	Yes.	1:31
2	Q	And as the O.I.C., it would have been imperative for	1:31
3		you to basically follow what the captain leaves out; correct?	1:31
4	A	Yes.	1:31
5	Q	All right. And so in this particular instance in	1:31
6		this employee comment sheet, she's telling you that she	1:31
7		discussed with you, in effect, about new procedures and	1:31
8		programs and her instruction to you to basically discuss with	1:31
9		her before implementing anything like that; correct?	1:31
10	A	That's what she wrote.	1:31
11	Q	Right. And that's -- that's -- based on what you	1:31
12		just testified to, it's perfectly within her prerogative as a	1:31
13		captain to tell you that she wants to be consulted before you	1:31
14		make any changes to any programs or procedures; correct?	1:31
15	A	I believe I agreed with you that that would be the	1:32
16		captain's purview. Where I disagree with you is that's not	1:32
17		what was discussed on that day.	1:32
18	Q	Okay. So on that day, what exactly did she discuss?	1:32
19	A	She came down and told me that everybody hates me	1:32
20		and that -- because I throw things and I use profanity in the	1:32
21		workplace.	1:32
22		And it was me trying to defend myself, saying,	1:32
23		"Okay. Well, give me some context. This is not -- if you	1:32
24		would spend some time with me, you'll see that is not the	1:32
25		person I am." You know, and that was the conversation. It	1:32

1	wasn't --	1:32
2	And -- you know, and then the thing where she said,	1:32
3	"Don't send anymore emails. Stop trying to improve the unit.	1:32
4	Don't draft anything and send it up." And that was just the	1:32
5	talking to, and that was it.	1:32
6	Q So -- I'm sorry. So when you say that she said,	1:32
7	"Don't send any emails and don't try to draft any documents,"	1:32
8	I'm looking at the first sentence of the second paragraph in	1:32
9	Exhibit 3. Doesn't that in effect say that?	1:32
10	A You said the first sentence?	1:32
11	Q Yes.	1:33
12	MR. SALUTE: Objection. Argumentative.	1:33
13	THE WITNESS: That's -- that's what it says there.	1:33
14	BY MR. KONG:	1:33
15	Q Okay. Now, moving on. In the fourth paragraph, it	1:33
16	states here in the comment sheet, "I expect you to be an	1:33
17	active supervisor, available to your personnel in the office	1:33
18	and in the field yet allow your field supervisors to engage	1:33
19	in making decisions based on the situation and the best	1:33
20	information they have available." Did she say any words to	1:33
21	that effect during her meeting with you on May 6th?	1:33
22	A No.	1:33
23	Q Did she ever advise you that there were complaints	1:33
24	that you stayed in the office and did not ever go out to	1:33
25	visit your subordinates out at calls or at any other	1:33

1	location?	1:33
2	A I believe she mentioned that, and in that feedback	1:33
3	was that I don't go to training as much. They'd like to see	1:33
4	me more at training.	1:33
5	Q And what sort of training was she speaking about?	1:33
6	A I believe she was talking about the daily K-9	1:34
7	training that takes place.	1:34
8	Q Now, at the time that this meeting took place with	1:34
9	Captain Meek, had you heard from anyone of certain complaints	1:34
10	by subordinates that you were in the office too much?	1:34
11	A No.	1:34
12	Q Was it true that, in fact, you did stay in the	1:34
13	office more often than not?	1:34
14	A I would be -- I would be in the office, but my	1:34
15	duties would split with the administrative and, to a lesser	1:34
16	agree, field-related, because I'm managing the budget, the	1:34
17	overtime, and all those other things.	1:34
18	Q So I'm looking at this comment sheet, then, at this	1:34
19	fourth paragraph about you being active supervisor. Is there	1:34
20	anything about -- is there anything with that statement I	1:34
21	just read to you -- is there anything with that that you	1:34
22	would disagree with, just in principle, as an O.I.C.?	1:34
23	A I don't disagree -- I don't disagree with it as a	1:35
24	principle of supervision.	1:35
25	Q That's actually -- in fact, that's actually probably	1:35

1	a good piece of advice for a supervisor; correct?	1:35
2	A I don't disagree with it.	1:35
3	Q Okay. But do you agree with me, though, that would	1:35
4	be a good piece of advice to give a supervisor?	1:35
5	A Yeah. It's consistent with good supervision.	1:35
6	Q And then below, in that very same paragraph, it	1:35
7	states, "This will promote section unity, encourage	1:35
8	employees, boost morale, and provide you additional insight	1:35
9	to identify potential problem situations early on." Do you	1:35
10	see that sentence?	1:35
11	A Uh-huh.	1:35
12	Q Is there anything disagreeable with that statement	1:35
13	from your perspective as a former O.I.C. supervisor?	1:35
14	A As a general philosophy, no, I don't disagree with	1:35
15	it.	1:35
16	Q Okay. And going back, the paragraph above that	1:35
17	where it says -- where she lays out the department's	1:35
18	expectation about treating employees respectfully, with	1:35
19	fairness, and equal access to assignments and training	1:36
20	opportunities; providing a workplace free of demeaning,	1:36
21	verbally abusive, threatening bullying behavior -- anything	1:36
22	you find disagreeable about that statement?	1:36
23	A I find those to be acceptable supervisory practices.	1:36
24	I don't disagree with them, in general.	1:36
25	Q In fact, they're not just acceptable. Would you	1:36

1	agree with me those are kind of standard practices that every	1:36
2	employer should observe?	1:36
3	A Yeah. They should strive to do those things, yes.	1:36
4	Q Okay. And then as far as the second paragraph where	1:36
5	she basically tells you to basically discuss with her any	1:36
6	changes to any procedures or programs and about drafting any	1:36
7	related documents -- is there anything disagreeable about	1:36
8	that instruction?	1:36
9	MR. SALUTE: Which one?	1:36
10	THE WITNESS: He's back to the second paragraph.	1:36
11	I would disagree with that in the context in which	1:36
12	it was relayed to me. It wasn't -- the context in which I	1:36
13	received it was "Stop trying to push your unit. Just stop	1:37
14	everything you're doing. No more suggestions on how to	1:37
15	deploy canines," because we were doing -- we were on the edge	1:37
16	of trying to really improve the unit.	1:37
17	And so it wasn't very cut-and-dry like this, like a	1:37
18	general principle that you're describing, like "Hey. Run	1:37
19	everything by me before." This was like "Go to the airport,	1:37
20	sit there, and don't do anything. I don't want to hear from	1:37
21	you."	1:37
22	BY MR. KONG:	1:37
23	Q Well, I take it that's -- I take it that you're	1:37
24	providing us your context of how you understood it. But I'm	1:37
25	just more focused on this theme in here in this comment	1:37

1	sheet. Was she out of line by telling you that she wanted	1:37
2	you to run by any new procedures or programs before you	1:37
3	drafted any related documents?	1:37
4	A As a general term, it was -- without all this other	1:37
5	going on, if a supervisor had asked me, you know, "Hey, bump	1:37
6	it by me," I wouldn't have a problem with that.	1:38
7	Q In fact, you can reasonably see yourself telling one	1:38
8	of your subordinates, if one of the sergeants did the same	1:38
9	thing -- telling the sergeants to do the same thing --	1:38
10	running stuff by you before they publish or sent a particular	1:38
11	document out; correct?	1:38
12	A Yes.	1:38
13	Q Okay. So as far as anything that's outlined in	1:38
14	these, I guess, three paragraphs which we covered, there's	1:38
15	nothing here that's unreasonable, per se, as far as standards	1:38
16	for a supervisor to follow; correct?	1:38
17	A Yes, if it was written that way.	1:38
18	Q Okay. Well, it is written this way. We're looking	1:38
19	at a document, and based on what it says in the document,	1:38
20	there's nothing here that's unreasonable as far as the	1:38
21	standards that Captain Meek had laid out in this comment	1:38
22	sheet; correct?	1:38
23	A The general standards, no, I don't -- I don't	1:38
24	disagree with the general standards.	1:38
25	Q Now, at the bottom of Exhibit 3, it says here,	1:38

1	"During our discussion on May 6th," and there's an asterisk.	1:38
2	It says here, "You" -- meaning you, Lieutenant Garvin --	1:38
3	"stated that in the future you would discuss with me" -- that	1:39
4	is, Captain Garvin -- "any ideas you have related to changes	1:39
5	within the Bomb Detection K-9 Section prior to taking any	1:39
6	action." It's true that you, in fact, did tell her that on	1:39
7	May 6th; correct?	1:39
8	A : I don't recall saying that, but I also don't	1:39
9	disagree with you that I would have if -- I would have said	1:39
10	that. That's what I do.	1:39
11	Q      Okay. Because you otherwise have no evidence to	1:39
12	show that you did not say that; correct?	1:39
13	A      Yeah. I don't have a recollection of myself saying	1:39
14	that to her.	1:39
15	Q      All right. And then on the following page of	1:39
16	Exhibit 3, there's a -- at the top, it says here again,	1:39
17	asterisk, "You stated that you did not believe you have	1:39
18	displayed disrespectful or inequitable behavior in the past."	1:39
19	Is that true? Is that correct -- strike that. Is it true	1:40
20	that you did in fact tell her that in this meeting?	1:40
21	A      Yes. I told her that I don't do that and she needs	1:40
22	to come down and see for herself.	1:40
23	Q      And then it says here in that very same paragraph,	1:40
24	"We discussed this issue again on May 24th." Do you recall	1:40
25	having another meeting on May 24th?	1:40

1	length today where she came down.	1:49
2	Q You mean the one from May 6?	1:49
3	A Yeah.	1:49
4	Q Okay. So she did raise that issue with you during	1:49
5	that meeting.	1:49
6	A No, I'm not saying that. I'm saying when she said	1:49
7	everybody hates me, stop sending stuff up, stop doing all	1:49
8	these things, that was -- that was the tenure of it. So	1:49
9	that's really the only conversation we had. We didn't have	1:49
10	that --	1:50
11	MR. SALUTE: That's it; that's it. You've answered.	1:50
12	BY MR. KONG:	1:50
13	Q So going back, I just want to make sure we have this	1:50
14	clear. So based on that conversation you had with Captain	1:50
15	Meek, you formulated the understanding that she was telling	1:50
16	you that she believed that you were micromanaging your	1:50
17	people.	1:50
18	A No. I --	1:50
19	MR. SALUTE: Objection. Misstates testimony.	1:50
20	Argumentative.	1:50
21	You can answer.	1:50
22	THE WITNESS: Yeah. No. I'm sorry if I led you to	1:50
23	believe that. This whole thing on micromanaging -- no one's	1:50
24	come to me and said, "You're a micromanager." In the office,	1:50
25	they said I've been a great manager.	1:50

1	BY MR. KONG:	1:50
2	Q Okay. And on the bottom of Exhibit 3, second page	1:50
3	here, in handwriting, it says here "June 16, 2016." Do you	1:50
4	recognize the handwriting here?	1:50
5	A On the front page or the back page?	1:50
6	Q Second page. I'm sorry. At the very bottom.	1:50
7	A That looks like -- well, it's Captain Meek who	1:50
8	signed it; so --	1:50
9	Q It says here on June 16, "Lieutenant Garvin	1:50
10	respectfully declined to initial the employee comment sheet.	1:51
11	Stated he may or may not submit a response. Captain Sambar	1:51
12	present. K. Meek, 24002." Do you see that?	1:51
13	A Yes.	1:51
14	Q And is that accurate based on your understanding	1:51
15	about how you responded to this document?	1:51
16	A That's a portion of what I said in my response to	1:51
17	them.	1:51
18	Q Okay. Now, I know you submitted a formal written	1:51
19	response to this comment sheet; correct?	1:51
20	A Yes.	1:51
21	Q Okay. But as far as what she documents here in	1:51
22	handwriting at the bottom of this second page, does that	1:51
23	accurately reflect basically how you planned to respond?	1:51
24	A Yes. I was very respectful, and I said, "I	1:51
25	respectfully decline to sign this...."	1:51

1	Q	Okay. Let me show you what's marked Exhibit 4.	1:51
2		(Defendant's Exhibit 4 was marked for identification	1:51
3		and is annexed hereto.)	1:51
4	BY MR. KONG:		1:51
5	Q	Do you recognize this document?	1:52
6	A	Yes.	1:52
7	Q	And what is this?	1:52
8	A	My response to the comment sheet.	1:52
9	Q	And the comment sheet that was marked as Exhibit 3;	1:52
10		correct?	1:52
11	A	Yes.	1:52
12	Q	Okay. And did you type this out on a personal	1:52
13		laptop or a computer?	1:52
14	A	It would have been a computer.	1:52
15	Q	And when did you prepare this document,	1:52
16		approximately?	1:52
17	A	Sometime within the 30 days allowed to provide a	1:52
18		response.	1:52
19	Q	To the comment sheet?	1:52
20	A	Yes.	1:52
21	Q	Is that per policy?	1:52
22	A	That's what -- yeah, I believe that's the policy. I	1:52
23		was given 30 days.	1:52
24	Q	And it says here -- there's a date-stamp of July 13,	1:52
25		2016, down below. Do you see that?	1:52

1	A	Yes.	1:52
2	Q	Is that the approximate time that you submitted this	1:52
3		response?	1:52
4	A	Yes.	1:52
5	Q	And did you have any assistance in preparing this	1:52
6		response?	1:52
7	A	No.	1:52
8	Q	So you prepared this by yourself?	1:52
9	A	Yes.	1:52
10	Q	And what was the purpose for you preparing this	1:52
11		response?	1:52
12	A	To respond to the comment card.	1:53
13	Q	And what was the nature of your response to the	1:53
14		comment card, or comment sheet?	1:53
15	A	What I wrote.	1:53
16	Q	I'm sorry?	1:53
17	A	What I documented here.	1:53
18	Q	Okay. So it says here in the first sentence, "I	1:53
19		respectfully disagree with employee comment sheet dated June	1:53
20		15, 2016."	1:53
21	A	Yes.	1:53
22	Q	Okay. Did you provide any other documentation in	1:53
23		support of your response?	1:53
24	A	I don't believe so.	1:53
25	Q	Is there some sort of grievance procedure at the	1:53

1	L.A.P.D. with respect to any issue having to deal with	1:53
2	working conditions?	1:53
3	A Not for comment cards. They're not grieve-able.	1:53
4	Q Okay. Did you receive any sort of response to your	1:53
5	response here that's marked as Exhibit 4?	1:53
6	A Yes.	1:53
7	Q Okay. What was the response you got?	1:53
8	A I was told I'd better retract it, and if I was	1:53
9	alleging I was being retaliated against, I was going to be	1:53
10	charged with misconduct for not reporting it sooner.	1:54
11	Q And who said that to you?	1:54
12	A Captain Sambar and then-Commander Horace Frank.	1:54
13	Q So there was some sort of meeting between you,	1:54
14	Frank, and Sambar?	1:54
15	A Yes.	1:54
16	Q And when was that meeting, approximately?	1:54
17	A Sometime after this was submitted.	1:54
18	Q And how was that meeting set up?	1:54
19	A I had called then-Commander Frank's secretary and	1:54
20	asked to get on his calendar with the intention of trying to	1:54
21	work within my chain of command and talk to him about	1:54
22	everything that had been going on with what the captain had	1:54
23	been doing with me and try to work it out within the chain of	1:54
24	command and express my concerns, one-on-one.	1:54
25	Q I'm sorry?	1:54

1	BY MR. KONG:	2:25
2	Q And do you agree with the rating you were given?	2:25
3	A Yes. That's the highest rating you could be given	2:26
4	overall.	2:26
5	Q All right. And so under the "Training Review"	2:26
6	section on page 4 --	2:26
7	A Yes.	2:26
8	Q -- do you know what the training review section is	2:26
9	used for?	2:26
10	A It's supposed to document training an employee	2:26
11	received over the previous rating period and how relevant	2:26
12	that training was to their assignment.	2:26
13	Q Right. And prior to this particular SBA which	2:26
14	Captain Meek had signed off on, had she given you any sort of	2:26
15	SBA prior to this?	2:26
16	A I don't believe so, no.	2:26
17	Q So is it safe to say that this would have been the	2:26
18	first SBA form you ever received from Captain Meek?	2:26
19	A I believe so.	2:26
20	Q All right. And under "Training Review," there's a	2:26
21	question printed on the document. It says, "What training or	2:26
22	other learning experiences would you recommend for this	2:26
23	employee's performance and development plan?" Do you see	2:26
24	that question?	2:26
25	A I do.	2:26

1	Q	And are you familiar with that question?	2:27
2	A	Yes.	2:27
3	Q	Okay. And that question is present on every single	2:27
4		form; correct?	2:27
5	A	Yes.	2:27
6	Q	And under that is typewritten, "Lieutenant Garvin	2:27
7		would benefit from additional courses in communications and	2:27
8		interpersonal skills to enhance his ability to interact more	2:27
9		effectively with his subordinates, peers, and law enforcement	2:27
10		partners." Do you see that?	2:27
11	A	I do.	2:27
12	Q	And did you review this, in fact, when you had	2:27
13		signed and dated this document?	2:27
14	A	I did read that.	2:27
15	Q	And did you disagree with that statement?	2:27
16	A	I did disagree with it.	2:27
17	Q	And what did you do, if anything, to express your	2:27
18		disagreement over that statement?	2:27
19	A	Nothing.	2:27
20	Q	Why is that?	2:27
21	A	Because my signing the rating basically just	2:27
22		acknowledged I've received a copy of what the rating is, and	2:27
23		the overall rating was fine. Every sub-factor was "Met or	2:27
24		exceeds expectations." I took that as her doing another dig,	2:27
25		and so I just signed that I acknowledged the rating, and that	2:28

1	was it.	2:28
2	Q Now, when you were the O.I.C. at Bomb K-9, were	2:28
3	there opportunities or circumstances where you did -- where	2:28
4	you did make a comment in this section under this question	2:28
5	about training and other learning experiences that you would	2:28
6	recommend for the employee to improve their performance and	2:28
7	development?	2:28
8	A I believe that -- there's something has to be put in	2:28
9	there on everything. I don't think you can leave it blank.	2:28
10	Q Okay. But have you had -- strike that. Did you	2:28
11	make it a practice to at least recommend something that one	2:28
12	of your subordinates could do to improve their performance	2:28
13	and development as a police officer?	2:28
14	A Yes.	2:28
15	Q And was it your intent that those officers would at	2:28
16	least consider it and try to help it somehow with their	2:28
17	career development?	2:28
18	A Yes. That's fair.	2:28
19	Q Okay. And in this particular instance, based on	2:28
20	what this said in that section, did you take to heart what	2:29
21	was recommended -- that you take additional courses in	2:29
22	communications and interpersonal skills?	2:29
23	A I took it to be that she could not rate me below	2:29
24	standard in any category because my performance had been .	2:29
25	above standard and this was her only way of trying to	2:29

1	for those courses, and there would have been other	2:30
2	documentation to other counseling and a follow-up comment	2:30
3	card that said how I'm doing since our conversations. This	2:30
4	was -- this was -- it is what it is, what she wrote on the	2:30
5	document.	2:31
6	Q Well, it's true that we did see in a employee	2:31
7	comment sheet from June 15, 2016, I believe -- which is	2:31
8	marked as Exhibit 3 -- where it did document -- whether you	2:31
9	disagree with it or not, it did document that there were some	2:31
10	remarks made to you, comments made to you about your	2:31
11	interpersonal communication skills; correct?	2:31
12	A The short answer would be correct.	2:31
13	Q All right. I want to turn your attention to the	2:31
14	next couple pages.	2:31
15	A Go ahead.	2:31
16	Q I believe these are supervisors' supplement?	2:31
17	A After the signatures, yes.	2:31
18	Q Correct. And you're familiar with this supplement?	2:31
19	A Yes.	2:31
20	Q And is this -- are these supplement rating forms	2:31
21	completed for people in the position of a supervisor?	2:31
22	A Yes.	2:31
23	Q Okay. And you recognize these documents, or these	2:31
24	pages?	2:31
25	A Yes, I do.	2:31

1	Q	All right. May I have Exhibit 5 back, please.	2:31
2		Thanks.	2:32
3		Now, at some point in time shortly after you	2:32
4		received that rating form which is marked Exhibit 5, did you	2:32
5		become aware that there was a complaint investigation opened	2:32
6		on you by your subordinates?	2:32
7	A	What was the date on the -- can I look at it? What	2:32
8		was the date on that?	2:32
9	Q	Sure. I believe you signed those documents --	2:32
10	A	Oh, this is December of 2016 --	2:32
11	Q	Correct.	2:32
12	A	-- and you're asking whether I had become aware of a	2:32
13		complaint against me after that?	2:33
14	Q	Correct. Did you become aware of a complaint	2:33
15		initiated against you by several subordinates?	2:33
16	A	Yes.	2:33
17	Q	Right. And I believe that's a complaint that you	2:33
18		had testified to earlier that had been filed by Leslie	2:33
19		Salinas; correct?	2:33
20	A	Yes. Her and another officer.	2:33
21	Q	And you also indicated that you're possibly aware of	2:33
22		a complaint that was initiated by Mark Sauvao.	2:33
23	A	I think there was two complaints that I was named	2:33
24		in. Yeah. One -- yeah.	2:33
25	Q	And do you know approximately when Mark Sauvao had	2:33

1	made his complaint?	2:33
2	A I don't remember the date. It would be on the	2:33
3	complaint form if you have it.	2:33
4	Q All right. So I'm going to show you what we'll mark	2:33
5	as Exhibit 6.	2:33
6	(Defendant's Exhibit 6 was marked for identification	2:33
7	and is annexed hereto.)	2:33
8	BY MR. KONG:	2:34
9	Q Do you recognize these four pages?	2:34
10	A Yes. It's a complaint form.	2:34
11	Q And have you seen this sort of form before?	2:34
12	A Yes.	2:34
13	Q And can you tell us, based on your experience	2:34
14	working in the L.A.P.D., what this form is usually used for?	2:34
15	A Documenting complaints of potential employee	2:34
16	misconduct.	2:34
17	Q And just based on your knowledge about the complaint	2:34
18	procedure in the L.A.P.D., there's two varieties or flavors	2:34
19	of complaints; correct? There's personnel complaints	2:34
20	initiated by one member of personnel -- or one member of the	2:34
21	department against another member, and then there are those	2:34
22	complaints initiated by the public against a particular	2:34
23	officer; correct?	2:34
24	A And I would probably add a third category where a	2:34
25	department generated complaint for things like failing to	2:34

1	under a brief summary, there's a date there -- February 8,	2:36
2	2017. Do you see that?	2:36
3	A Yes.	2:36
4	Q Does that -- does that sound roughly about the time	2:36
5	that you believe this complaint was initiated?	2:36
6	A That's what it's documented there.	2:36
7	Q Okay. Is that typically where the date's reflected	2:36
8	when the complaint is initiated, based on your knowledge	2:36
9	about how these forms are completed?	2:36
10	A Yes, when it's reported.	2:36
11	Q Okay. And this particular instance, it looks like	2:36
12	the supervisor that was involved in taking the complaint was	2:36
13	Captain Meek; correct?	2:36
14	A Yes.	2:36
15	Q And do you recall if there were any other involved	2:36
16	persons in this complaint, other than Salinas or Franco?	2:36
17	A I believe an Officer Phermsangnam. I'm going to	2:36
18	have to write it down. P-h-e-r-m-s-a-n-g-n-a-m.	2:37
19	Q And I believe Officer Phernsangnam -- he's got a	2:37
20	nickname in the department. I think a lot of people call him	2:37
21	P-12?	2:37
22	A He refers to himself as P-12.	2:37
23	Q Okay. Just for simplicity, let's just call him	2:37
24	P-12 -- Officer P-12.	2:37
25	A Okay.	2:37

1	Q	All right. So you believe Officer P-12 also was	2:37
2		another involved person in this complaint?	2:37
3	A	I believe there was an -- it may have been an	2:37
4		allegation from him when they did the investigation, but he	2:37
5		was interviewed in the investigation. I remember that at	2:37
6		least.	2:37
7	Q	And so I'm going to again direct your attention to	2:37
8		page 2 of Exhibit 6. And this is -- this document on page 2	2:37
9		is entitled, again, "Complaint Form." This is typically the	2:37
10		section where someone fills out basically a summary of what	2:38
11		complaint or allegations are being made against the accused	2:38
12		officer or officers; correct?	2:38
13	A	Yeah. It's a summary.	2:38
14	Q	Okay. And in this particular instance, when you	2:38
15		reviewed -- did you have an opportunity to review page 2	2:38
16		during your interview by I.A.?	2:38
17	A	I believe so. I don't know that I looked at it,	2:38
18		like, in depth. It was -- you know. But, yes, I was given a	2:38
19		copy of this to look at.	2:38
20	Q	And so based on the copy you looked at and the	2:38
21		information you got and the questions you were asked from	2:38
22		I.A., is it correct that you were notified that on or around	2:38
23		early February, 2017, you were being accused of making some	2:38
24		sort of inappropriate comments to Officer Franco when you	2:38
25		called Franco a, quote, unquote, "motherfucker" while	2:38

1	discussing Franco's K-9 certification?	2:38
2	A Yes. That was an allegation that's listed here.	2:39
3	Q And another allegation which you became aware of	2:39
4	also was that you had made inappropriate comments to Officer	2:39
5	Salinas when you learned that she was going to have another	2:39
6	child, to which you responded, quote, unquote, "You know how	2:39
7	Mexican girls are."	2:39
8	A That is what was alleged.	2:39
9	Q And then also you were alleged -- or you became	2:39
10	aware that it was alleged that -- that when, I guess, Officer	2:39
11	Salinas was going to return back from baby-bonding leave	2:39
12	after she delivered her child, that you told Salinas that her	2:39
13	being on baby-bonding would hurt deployment.	2:39
14	A If that's what's documented there, that was an	2:39
15	allegation.	2:39
16	Q Okay. Did you, in fact, learn of that allegation	2:39
17	when you reviewed this document? And --	2:39
18	A Go ahead. Sorry.	2:40
19	Q I'm sorry.	2:40
20	-- when you learned of this document and also had	2:40
21	spoken with I.A.?	2:40
22	A Yes.	2:40
23	Q Did you also learn that Salinas feared that you were	2:40
24	going to retaliate against her for becoming pregnant again?	2:40
25	A I believe that came up in the investigation.	2:40

1	Q	Okay. And so you became aware that that was an	2:40
2		allegation being made against you; correct?	2:40
3	A	I don't remember if at the interview that was a	2:40
4		specific allegation. The final allegations would be	2:40
5		contained in the letter of transmittal, based on the	2:40
6		investigation. It may not mirror these allegations.	2:40
7	Q	Now, at the very end at the bottom of this complaint	2:40
8		form on page 2, it says here, quote, "Lieutenant Garvin has	2:40
9		created a hostile, intolerable work environment within the	2:40
10		Bomb Detection K-9 section," end quote. Do you see that?	2:40
11	A	I see that.	2:40
12	Q	Do you recall actually reviewing that sentence or	2:40
13		that statement when you saw this document initially?	2:41
14	A	I'm sure I did, if I read it.	2:41
15	Q	Did I.A. advise you that, in fact, employees under	2:41
16		your command or supervision were, in fact, making a complaint	2:41
17		that you created a hostile work environment for them?	2:41
18	A	I was aware that it was a potential allegation, and	2:41
19		the specific allegations were the ones from these specific	2:41
20		officers.	2:41
21	Q	Do you recall who the investigator was from I.A.	2:41
22		that spoke with you?	2:41
23	A	Whoever did my interview. I don't know -- I don't	2:41
24		remember the name as I sit here.	2:41
25	Q	Does Michael Salinas -- does that ring a bell?	2:41

1	A	Michael Salinas is a supervisor in Emergency	2:41
2		Services Division. He is a bomb squad supervisor.	2:41
3	Q	Do you know if he -- if he was tasked with	2:41
4		investigating this or whether or not someone from I.A.	2:41
5		investigated this?	2:41
6	A	Internal Affairs investigated this.	2:41
7	Q	Okay. May I have Exhibit 6 back, please. Show you	2:41
8		what's marked as Exhibit 7.	2:42
9		(Defendant's Exhibit 7 was marked for identification	2:42
10		and is annexed hereto.)	2:42
11	BY MR. KONG:		2:42
12	Q	Do you recognize the form of this document?	2:42
13	A	This is a complaint adjudication form.	2:42
14	Q	And can you, just based on your knowledge and	2:42
15		experience with the complaint process at the L.A.P.D.,	2:42
16		describe what an adjudication form is.	2:42
17	A	It documents the recommended adjudication through	2:42
18		the chain of command for a allegation against an employee.	2:42
19	Q	And do you recognize seeing this form before?	2:42
20	A	Yes.	2:42
21	Q	And this one's for you; correct?	2:42
22	A	Yes.	2:42
23	Q	And this is in relation to the complaint which we	2:42
24		just covered that was documented in Exhibit 6; correct?	2:42
25	A	If the C.F. numbers match, I would say yes.	2:42

1	A	I did in the form of a lawsuit prior to this	2:50
2		adjudication, but not through this means, no.	2:50
3	Q	All right. Let me show you what's marked as	2:50
4		Exhibit 9.	2:50
5		(Defendant's Exhibit 9 was marked for identification	2:50
6		and is annexed hereto.)	2:50
7	BY MR. KONG:		2:50
8	Q	Now, Exhibit 9 is going to be a redacted version of	2:50
9		a letter of transmittal related to C.F. 17-000419. And I'll	2:50
10		explain here that, for the record, that the reason why it's	2:50
11		redacted, the redacted portions pertain to allegations or	2:50
12		information pertaining to another officer who I believe was	2:51
13		investigated as part of this investigation. Okay?	2:51
14	A	Yes.	2:51
15	Q	All right. In fact, you were not the only accused	2:51
16		officer in this C.F.; correct?	2:51
17	A	Yes. I believe there was one, maybe two others but	2:51
18		at least one.	2:51
19	Q	And to the extent -- I don't want to disclose or	2:51
20		identify those officers.	2:51
21	A	I won't.	2:51
22	Q	Okay. But, really, the purpose of why I'm	2:51
23		introducing this L.O.T., or letter of transmittal, to you is	2:51
24		so that we can at least get an understanding of the	2:51
25		allegations -- specific allegations for which you were	2:51

1	adjudicated on.	2:51
2	A Yes. The final allegations.	2:51
3	Q Right. And just to refresh your recollection again,	2:51
4	the allegations that pertained to you were 1, 2, 3, 4, 5, and	2:51
5	6; correct?	2:51
6	A Yes.	2:51
7	Q All right. And, again, going back through this	2:51
8	L.O.T., do you recall receiving a copy of this L.O.T., an	2:51
9	unredacted version of this L.O.T.?	2:52
10	A Yes.	2:52
11	Q All right. And on the first page of Exhibit --	2:52
12	I'm sorry. What exhibit did I put this as? 9?	2:52
13	-- it identifies or lists the allegations against	2:52
14	you; correct?	2:52
15	A Yes.	2:52
16	Q All right. You remember seeing these allegations at	2:52
17	some point in time in the past --	2:52
18	A Yes.	2:52
19	Q -- when you received this document; right?	2:52
20	A Yes.	2:52
21	Q And the first allegation was that the Complainant	2:52
22	Franco had accused you of improperly saying, "Fuck that	2:52
23	motherfucker. I can't believe he did that to me, that	2:52
24	pineapple head. He fucked up my deployment," when referring	2:52
25	to Officer Sauvao.	2:52

1	A	Yes. That's what's listed.	2:52
2	Q	Right. And as with the rest of the allegation, that	2:52
3		was marked as "Not resolved" against you; correct?	2:52
4	A	Yes. That was the classification.	2:52
5	Q	Okay. The second allegation alleged that you, while	2:52
6		on duty, made an improper racial remark when you said, quote,	2:53
7		"That little Jap embarrassed" me -- "embarrassed our unit,"	2:53
8		end quote, referring to an Officer Getherall. Do you recall	2:53
9		that allegation?	2:53
10	A	I recall that allegation.	2:53
11	Q	And that allegation was not resolved against you	2:53
12		either; correct?	2:53
13	A	That's correct.	2:53
14	Q	And then there was another allegation, this time	2:53
15		number 4, where again Complainant Franco alleged on some	2:53
16		unknown date that you, while on duty, made an improper remark	2:53
17		where you told Franco, quote, "Now you can be my Jose in your	2:53
18		new truck and come mow my lawn," end quote. You recall being	2:53
19		aware of that allegation; correct?	2:53
20	A	Yes.	2:53
21	Q	And you recall that that allegation was also found	2:53
22		not resolved as against you; correct?	2:53
23	A	Yes.	2:53
24	Q	And, finally, there was another allegation,	2:53
25		allegation number 5, where Franco again alleged on some	2:53

1	unknown date that you, while on duty, made an improper remark	2:53
2	when you asked if Salinas was going to have more children,	2:53
3	you stated, quote, "You know how Mexican women are. She's	2:54
4	probably going to have another one," end quote. You were	2:54
5	made aware of that allegation; correct?	2:54
6	A Yes.	2:54
7	Q And you also became aware that allegation was not	2:54
8	resolved as well; correct?	2:54
9	A Yes.	2:54
10	Q And there were two additional allegations made	2:54
11	against you which were deemed unfounded; isn't that correct?	2:54
12	A Yes.	2:54
13	Q And that's allegation 3 and allegation 6; correct?	2:54
14	A Yes.	2:54
15	Q Allegation 3, it was accused of you that on	2:54
16	January 9, 2017, you had called Franco a motherfucker;	2:54
17	correct?	2:54
18	A Yes. That's what it says.	2:54
19	Q And then in allegation 6, it states that Salinas had	2:54
20	accused you, while on duty, that you treated her	2:54
21	inappropriately in direct response to her utilizing her	2:54
22	baby-bonding leave; correct?	2:55
23	A Yes.	2:55
24	Q All right. And the person who adjudicated the	2:55
25	investigation was, in fact, Captain Meek; isn't that correct?	2:55

1	MR. SALUTE: Well, it's argumentative. Misstates	2:55
2	testimony. May call for speculation.	2:55
3	But you can answer.	2:55
4	THE WITNESS: It normally is adjudicated by the	2:55
5	commanding officer of the division. May or may not delegate	2:55
6	the actual writing of the document to someone else.	2:55
7	BY MR. KONG:	2:55
8	Q Right. But I want to direct your attention to	2:55
9	Exhibit 7. In Exhibit 7 on the complaint adjudication form,	2:55
10	it would appear that Captain Meek was a division commanding	2:55
11	officer who signed off on the adjudication, showing that at	2:55
12	least -- showing that allegations 1, 2, 4, 5 were not	2:55
13	resolved against you and that 3 and 6 were unfounded against	2:55
14	you; correct?	2:55
15	A Yes.	2:55
16	Q And that, in fact, Horace Frank was the Bureau	2:55
17	commanding officer who also authorized the adjudication;	2:56
18	correct?	2:56
19	A Yes.	2:56
20	Q All right. Now, following that -- I'm sorry. Going	2:56
21	back in time -- I'm going to go back before the L.O.T.	2:56
22	adjudication. Going back to right after the complaint by	2:56
23	Salinas, Franco, and possibly some other officers against	2:56
24	you, were you then the subject of some sort of reassignment?	2:56
25	A Yes.	2:56

1	Q	Okay. And how did you become aware -- first aware	2:56
2		that you were being reassigned?	2:56
3	A	I was asked to come down to meet I believe with the	2:57
4		captain and might have been Commander Frank or -- yeah, I	2:57
5		believe Commander Frank.	2:57
6	Q	And did you have a one-on-one meeting with	2:57
7		Commander Frank?	2:57
8	A	No. That was both of them and myself.	2:57
9	Q	I'm sorry. Who was in the meeting --	2:57
10	A	I believe it was Meek and Frank.	2:57
11	Q	And where did the meeting take place?	2:57
12	A	I believe it was at the headquarters.	2:57
13	Q	It was at Commander Frank's office?	2:57
14	A	Yes.	2:57
15	Q	Was Sambar there?	2:57
16	A	No.	2:57
17	Q	And who set the meeting up?	2:57
18	A	I don't know. I was contacted to meet them there	2:57
19		and not told the purpose of the meeting. I thought it was	2:57
20		something K-9 related.	2:57
21	Q	And how long was the meeting?	2:57
22	A	No more than 15, 20 minutes, I would say.	2:57
23	Q	Did you have some idea what their meeting was going	2:57
24		to be about?	2:57
25	A	No.	2:57

1	Q	Did Captain Meek alert you as to what the meeting	2:57
2		might be about?	2:58
3	A	No.	2:58
4	Q	And so when you got to the meeting, what was	2:58
5		discussed?	2:58
6	A	I sat down. I don't know which one explained to me.	2:58
7		They said, "There's been allegations made against you for	2:58
8		hostile work environment. For your protection, we're going	2:58
9		to transfer you out of that assignment. Turn in your car,	2:58
10		your equipment, clean out your desk, give us your airport	2:58
11		access badge, and we'll arrange for transportation to you	2:58
12		home."	2:58
13	Q	And who actually gave you that instruction?	2:58
14	A	I believe it was Captain Meek.	2:58
15	Q	And did Commander Frank say anything?	2:58
16	A	I'm sure he did. I just -- I don't remember who	2:58
17		said what, but this was both of them meeting with me.	2:58
18	Q	Did they hand you any documents at that meeting? Do	2:58
19		you recall?	2:58
20	A	I don't think I received any documents in that	2:58
21		meeting.	2:58
22	Q	Was there any sort of follow-up meeting to that	2:58
23		meeting?	2:58
24	A	Months later -- well, maybe not even months. Maybe	2:59
25		a month. There was a subsequent meeting where I was called	2:59

1	back in, and I believe it was Captain Meek and Commander	2:59
2	Fontanetta -- or maybe Captain Fontanetta at the time --	2:59
3	F-o-n-t-a-n-e-t-t-a. And I was told --	2:59
4	MR. SALUTE: You've answered the question.	2:59
5	THE WITNESS: Go ahead.	2:59
6	MR. KONG: Okay. I'm going to show you what's marked as	2:59
7	Exhibit 10.	2:59
8	(Defendant's Exhibit 10 was marked for	2:59
9	identification and is annexed hereto.)	2:59
10	BY MR. KONG:	2:59
11	Q Do you recognize this document?	2:59
12	A Yes.	2:59
13	Q Now, this document is what they call a Form 15, dot,	2:59
14	2 -- .2, or 15.2 --	2:59
15	A Right.	2:59
16	Q -- in department parlance. It's an	2:59
17	interdepartmental correspondence. This is like an internal	2:59
18	memo; right?	2:59
19	A Yeah. It's correspondence.	2:59
20	Q And it's dated March 2nd, 2017. Do you see that in	2:59
21	the upper left-hand corner?	3:00
22	A Yes.	3:00
23	Q And I'll submit to you that this document is	3:00
24	submitted to you, or addressed to you, and it's from the	3:00
25	commanding officer at E.S.D.; correct?	3:00

1	A	Yes.	3:00
2	Q	The commanding officer on or around March 2nd, 2017,	3:00
3		was Captain Meek; correct?	3:00
4	A	Yes.	3:00
5	Q	Do you recall if that meeting with Commander Frank	3:00
6		and Captain Meek at the headquarters office took place on or	3:00
7		around March 2nd of 2017?	3:00
8	A	I don't remember what the date was for that meeting.	3:00
9	Q	Do you recall how you received this document, or a	3:00
10		copy of this document?	3:00
11	A	It was served to me in a meeting.	3:00
12	Q	And who was in that meeting?	3:00
13	A	Captain Meek, and it would have been either	3:00
14		Commander Frank or Captain Fontanetta.	3:00
15	Q	Down below in this correspondence, it looks like	3:00
16		it's your signature, dated March 9, 2017. Do you see that?	3:00
17	A	Yes.	3:00
18	Q	Is that your signature?	3:00
19	A	Yes.	3:00
20	Q	Does this refresh your recollection of having some	3:00
21		sort of meeting with Captain Meek and/or Frank and/or	3:00
22		Fontanetta on around March 9, 2017?	3:01
23	A	Yes.	3:01
24	Q	Okay. And what do you recall about the meeting?	3:01
25	A	Well, in the meeting that I received this document,	3:01

1	I was given the document to suspend all my supervisory duties	3:01
2	and not act in any capacity as a supervisor, or it would be	3:01
3	deemed insubordination.	3:01
4	And what I don't -- I don't know if this document --	3:01
5	there was two meetings, one to transfer me on paper and one	3:01
6	to downgrade me. So I'm not sure which one this was	3:01
7	presented. But as far as this document, that's -- that's	3:01
8	what the message was on that -- "You can't be a supervisor,	3:01
9	and if you act in that capacity, you'll be charged with	3:01
10	insubordination."	3:01
11	Q And when you say that you were told that it would be	3:02
12	insubordination, who said that?	3:02
13	A I believe it was Captain Meek.	3:02
14	Q Do you have any evidence of her actually saying that	3:02
15	it would be insubordination for you to perform supervisory	3:02
16	functions?	3:02
17	A Yeah. It's written right in this document that --	3:02
18	at the bottom on the acknowledgment, it says I'd been given a	3:02
19	direct order not to perform any --	3:02
20	THE REPORTER: I'm sorry?	3:02
21	THE WITNESS: I'm sorry.	3:02
22	-- any supervisory duties. That's -- and it would	3:02
23	be deemed insubordination. It's on the actual document.	3:02
24	BY MR. KONG:	3:02
25	Q And so when you signed this, you signed it	3:02

1	indicating that you read and understood what the instructions	3:02
2	and order entailed; correct?	3:02
3	A Yes.	3:02
4	Q All right. And after receiving this document, did	3:02
5	you reach out and talk to anyone else, other than Captain	3:02
6	Meek or anyone else in your command staff above you, about	3:02
7	this document?	3:02
8	A I believe I spoke with Captain Fontanetta, who was	3:02
9	in charge of the Police-Fire World Olympics that I would be	3:03
10	transferred to and expressed my concerns "How can I, as a	3:03
11	Lieutenant II, come over there and be stripped of any	3:03
12	supervisory powers? What possible job could I be given?"	3:03
13	Q And is it your belief that you had this	3:03
14	communication with Fontanetta on or around early March of	3:03
15	2017?	3:03
16	A It was when I was transferred over there. So if	3:03
17	that was -- whatever date it was that I was transferred over	3:03
18	to the Police and Fire Olympics would have been the --	3:03
19	Q I'm going to show you what's marked as Exhibit 11.	3:03
20	(Defendant's Exhibit 11 was marked for	3:03
21	identification and is annexed hereto.)	3:03
22	BY MR. KONG:	3:03
23	Q Do you recognize this document?	3:03
24	A Yes. This is the initial request for reassignment.	3:03
25	Q And did you receive this document during some sort	3:04

1 written response. And you did in fact submit a written 3:06  
2 response; correct? 3:06

3 A That was -- no, I don't believe I did. I think the 3:06  
4 only written response I've ever done was to that comment 3:07  
5 card. 3:07

6 Q Okay. Before I show you the next document, in this 3:07  
7 document it also says that "The request was discussed with 3:07  
8 Detective Candice Guzman." Do you know who Candice Guzman 3:07  
9 is? 3:07

10 A I don't. 3:07

11 Q Have you had any communications with any Detective 3:07  
12 Guzman via email or by telephone? 3:07

13 A Not to my knowledge as I sit here today. Doesn't 3:07  
14 ring a bell. 3:07

15 Q Do you recall ever reaching out to Employee 3:07  
16 Relations Group after receiving Exhibit 11? 3:07

17 A I don't specifically remember. It could have 3:07  
18 happened to try to investigate what my options were, but I 3:07  
19 don't think I did. 3:07

20 Q Okay. And I want you to keep Exhibit 11 there in 3:07  
21 front of you. I'm going to show you what's marked as 3:07  
22 Exhibit 12 real quick. 3:08

23 (Defendant's Exhibit 12 was marked for 3:08  
24 identification and is annexed hereto.) 3:08

25 //// 3:08

1	BY MR. KONG:	3:08
2	Q Do you recognize Exhibit 12?	3:08
3	A This is a -- appears to be a receipt to show that I	3:08
4	had received the documents informing me that I was -- the	3:08
5	intent was to downgrade me.	3:08
6	MR. SALUTE: He's just asking, "Do you recognize it?"	3:08
7	THE WITNESS: Yes. That's what I recognize it as.	3:08
8	BY MR. KONG:	3:08
9	Q Okay. And that's your signature there under -- or	3:08
10	above "Employee's Signature," dated March 9th, 2017; correct?	3:08
11	A Yes.	3:08
12	Q And is this a receipt of the documents that we just	3:08
13	covered? A receipt of a -- I'm sorry. Is this a receipt	3:08
14	acknowledging that you received the documents which we just	3:08
15	covered, which are Exhibits 10 and 11?	3:08
16	A It appears to be that.	3:09
17	Q Okay. I'll show you what's marked Exhibit 13.	3:09
18	MR. SALUTE: I don't think that's true, but --	3:09
19	(A discussion was held off the record between the	3:09
20	witness and his counsel.)	3:09
21	MR. SALUTE: Okay. So why don't you express that?	3:09
22	THE WITNESS: On the 15.2, your Exhibit 11 --	3:09
23	BY MR. KONG:	3:09
24	Q Sure.	3:09
25	A -- on the second page, there's a few other documents	3:09

1	that are listed that would have gone with it -- the	3:09
2	performance evaluations and things like that. It would have	3:09
3	been attached to this document.	3:09
4	Q      Okay. So you're looking at page 2 of Exhibit 11.	3:09
5	A      Yeah.	3:09
6	Q      And so it says here attached with that was "Original	3:09
7	signed request acknowledgment form."	3:10
8	A      Right.	3:10
9	Q      So is Exhibit 12, which I just showed you -- is that	3:10
10	the acknowledgment form which you signed?	3:10
11	A      Yes, I did sign that form.	3:10
12	Q      Okay. So Exhibit 12 would be that acknowledgment	3:10
13	form that's listed in Exhibit 11; right?	3:10
14	A      Yes.	3:10
15	Q      All right. I'll show you what's marked Exhibit 13.	3:10
16	(Defendant's Exhibit 13 was marked for	3:10
17	identification and is annexed hereto.)	3:10
18	BY MR. KONG:	3:10
19	Q      Do you recognize this document?	3:10
20	A      Yes, I do.	3:10
21	Q      All right. This appears to be a typewritten note	3:10
22	from you and then a response from someone named "Kathy." So	3:10
23	let me just cover the first half of this document,	3:10
24	Exhibit 13.	3:10
25	Am I correct in assuming that this was some sort of	3:10

1	A	Yes.	3:26
2	Q	And, again, the supervisor who was involved in that	3:26
3		complaint was Captain Meek?	3:26
4	A	Yes.	3:26
5	Q	And she would have been the first person -- what --	3:26
6		to take this at intake or take this in?	3:26
7	A	I believe so. That's who they reported it to.	3:27
8	Q	And, then, it looks like it was recorded by someone	3:27
9		by the name of Demian Wyma. Do you see that?	3:27
10	A	Yes.	3:27
11	Q	Was she the I.A. investigator assigned to this	3:27
12		particular complaint investigation?	3:27
13	A	It's a "he," and he works for Internal Affairs, the	3:27
14		Workplace Section. So I don't know if he was the person who	3:27
15		just authored it --	3:27
16		MR. SALUTE: I just want you speaking from your own	3:27
17		personal knowledge.	3:27
18		THE WITNESS: I don't know.	3:27
19		BY MR. KONG:	3:27
20	Q	Okay. Would it have been John Jizmejian?	3:27
21	A	I don't remember.	3:27
22	Q	Okay. No problem. Turning your attention to the	3:27
23		third page of Exhibit 15, I don't see a page number at the	3:27
24		bottom. I think it was cut off. But this was produced in	3:27
25		the City's discovery. So we have this Date-stamped number	3:27

1	78.	Do you see that in the lower right-hand corner?	3:27
2	A	Yes.	3:27
3	Q	So page 78 -- do you recall actually reviewing this	3:27
4		part of the complaint form when you received a copy of this	3:27
5		document?	3:28
6	A	I don't recall specifically reading this.	3:28
7	Q	Okay. But do you recall -- just reading this	3:28
8		complaint form, where it says here, "On March 4, 2017" -- and	3:28
9		I'll just kind of edit irrelevant parts here -- Police	3:28
10		Officer Mark Sauvao of E.S.D., Bomb K-9, submitted an	3:28
11		employee report to his commanding officer, Captain Meek,	3:28
12		alleging harassment, racial remarks, discrimination,	3:28
13		intimidation, and a hostile work environment from Lieutenant	3:28
14		II Raymond Garvin.	3:28
15		Do you recall being advised that -- of Sauvao making	3:28
16		those sort of complaints against you?	3:28
17	A	Yes.	3:28
18	Q	And were you advised -- who advised you of those	3:28
19		allegations?	3:28
20	A	I believe it was Internal Affairs in my interview	3:28
21		for these complaints.	3:28
22	Q	Okay. And were those allegations adjudicated at	3:28
23		some point?	3:28
24	A	Yes.	3:28
25	Q	Can I have Exhibit 15 back. Thanks. Let me show	3:29

1	you what's marked as Exhibit 16.	3:29
2	(Defendant's Exhibit 16 was marked for	3:29
3	identification and is annexed hereto.)	3:29
4	BY MR. KONG:	3:29
5	Q And, again, you recognize this form; correct?	3:29
6	A Yes.	3:29
7	Q Again, this is another adjudication form, but this	3:29
8	time, this adjudication form is for -- it looks like a C.F.	3:29
9	Number 17-000614. I'm just going to have you take a look at	3:29
10	Exhibit 15 again which, you testified to earlier, that	3:29
11	complaint is for 17-000614 also; correct?	3:29
12	A Yes.	3:29
13	Q And do you recall seeing Exhibit 16 at some point in	3:29
14	time?	3:29
15	A Yes.	3:29
16	Q And was this the adjudication form completed for you	3:29
17	with respect to the allegations that Mark Sauvao had made?	3:29
18	A Yes.	3:30
19	Q And if you notice in this -- this complaint form, it	3:30
20	says that allegation 2 was not resolved. Do you see that?	3:30
21	A Yes.	3:30
22	Q All right. And was that your understanding at the	3:30
23	time that you received this document?	3:30
24	A Yes.	3:30
25	Q And below under "Penalty Rationale" in the middle of	3:30

1	in communications and interpersonal skills to enhance your	3:37
2	ability to interact with others more effectively." Do you	3:37
3	see that?	3:37
4	A Yes, I do.	3:37
5	Q Did you have any particular disagreement with that	3:37
6	particular statement?	3:37
7	A Yes.	3:37
8	Q Did you do anything about that?	3:37
9	A No.	3:37
10	Q And why not?	3:37
11	A Because the deck was stacked, and this was basically	3:38
12	a cut-and-paste from the previous SBA where she was again	3:38
13	writing it, in my opinion.	3:38
14	Q Well, were there -- when you say, "cut-and-paste,"	3:38
15	you mean this particular sentence was just identical to the	3:38
16	prior SBA form?	3:38
17	A In that -- in that section there, yes, very similar.	3:38
18	Q Okay. So between the time that you received the SBA	3:38
19	form -- the previous one, which I think was marked as --	3:38
20	Let me get it real quick --	3:38
21	MR. SALUTE: 5.	3:38
22	MR. KONG: Exhibit 5? Thanks.	3:38
23	Q -- Exhibit 5, which was, I believe, signed by you on	3:38
24	or around, I'll represent to you -- I think it was December	3:38
25	of 2016 -- December 14 of 2016.	3:38

1	A	Yes.	3:39
2	Q	And the time that you signed this particular	3:39
3		document --	3:39
4		Which could have been on or around, I would say,	3:39
5		probably after July of 2017?	3:39
6	A	Uh-huh.	3:39
7	Q	-- did you take any courses regarding communications	3:39
8		or interpersonal skills?	3:39
9	A	No, I did not.	3:39
10	Q	Did you reach out to anyone to talk about how to	3:39
11		improve those skills?	3:39
12	A	No.	3:39
13	Q	Did you reach out to Captain Meek about what you	3:39
14		could do to improve those skills?	3:39
15	A	No.	3:39
16	Q	Who is -- who is, again, Philip Fontanetta?	3:39
17	A	He was a captain, at the time, in charge of the	3:39
18		Police World Olympics that I was transferred to.	3:39
19	Q	And where was he located?	3:39
20	A	Those offices were at the Elysian Park Police	3:39
21		Academy.	3:39
22	Q	And so did you, in fact -- were you, in fact,	3:39
23		physically transferred to that location?	3:39
24	A	Yes.	3:39
25	Q	And when were you transferred to that location?	3:39

1	A Right when they called me in and told me there was a	3:40
2	complaint and I was to turn in my stuff. So pretty	3:40
3	immediate.	3:40
4	Q Was that on or around March of 2017?	3:40
5	A Yeah. Around that date.	3:40
6	Q And so was there any sort of communication between	3:40
7	yourself and anyone over in Captain Fontanetta's office about	3:40
8	your planned arrival?	3:40
9	MR. SALUTE: Did you say, "planned rival?"	3:40
10	MR. KONG: "Planned arrival."	3:40
11	MR. SALUTE: Oh, I'm sorry. Yeah.	3:40
12	THE WITNESS: I know I spoke with the captain regarding	3:40
13	the supervisory powers being suspended and how I could work	3:40
14	there.	3:40
15	BY MR. KONG:	3:40
16	Q Was this a telephone conversation with the captain?	3:40
17	A I don't remember. I had several conversations with	3:40
18	him about this supervisor order and in general being	3:40
19	transferred.	3:40
20	Q And what response did he give you, if any, about	3:40
21	your supervisory role?	3:40
22	A That, frankly, he thought it was ridiculous, but no	3:40
23	one had the power to overturn it except Captain Meek.	3:41
24	Q And when you say that he thought "it was	3:41
25	ridiculous," I mean, did he, in fact, use that word	3:41

1	A	I don't know exactly, but it was around that time.	4:03
2	Q	In mid-July of 2017?	4:03
3	A	Yes.	4:03
4	Q	Okay. And the last sentence in that paragraph	4:03
5		states, "Presumably my new C.O." -- commanding officer --	4:03
6		"will be adjudicating the complaint when completed, and I	4:03
7		need to ensure that any such review is unbiased." Which	4:03
8		complaint are you speaking of in that sentence?	4:03
9	A	Let me look at this email. Well, the complaints	4:03
10		that I knew about at the time, the complaints that we talked	4:03
11		about today.	4:03
12	Q	Those are the complaints -- the two complaints we	4:03
13		talked about which were filed or initiated by your prior	4:03
14		subordinates; right?	4:04
15	A	Yes.	4:04
16	Q	Those are Salinas, Franco, and Sauvao; correct?	4:04
17	A	Yes.	4:04
18	Q	And you were writing this because you had a genuine	4:04
19		concern, if I'm correct, that -- that Captain Meek, whom you	4:04
20		understood more than likely was going to adjudicate this	4:04
21		complaint, would somehow be biased; correct?	4:04
22	A	Yes.	4:04
23	Q	So when you mean -- when you say that you were	4:04
24		concerned that she would be biased, what you mean is, in	4:04
25		essence, that she would somehow sustain those allegations;	4:04

1	correct?	4:04
2	A Yes.	4:04
3	Q And find some wrongdoing on your part; right?	4:04
4	A Yes.	4:04
5	Q But as it turns out, as the adjudicating officer,	4:04
6	she didn't find any sort of misconduct on your part; correct?	4:04
7	A That's correct.	4:04
8	Q And had she found -- or had she sustained those	4:04
9	allegations in either one of those complaints, you'll agree	4:05
10	with me that would have probably impacted your ability to	4:05
11	promote within the department, don't you think?	4:05
12	A Yes, and the current adjudication has done the same	4:05
13	thing.	4:05
14	Q How so?	4:05
15	A When you are downgraded, you're not allowed to seek	4:05
16	an advanced paygrade position for 26 DPs after the downgrade.	4:05
17	Q Now, my question is different. I'm talking about	4:05
18	the adjudications of the actual complaint investigations	4:05
19	against you by your prior subordinates at Bomb K-9.	4:05
20	A Right.	4:05
21	Q Had she sustained those allegations, you'll agree	4:05
22	with me, that those definitely would have had an impact on	4:05
23	your ability to promote within the department; correct?	4:05
24	A Yes.	4:05
25	Q And Captain Meek -- not only does she adjudicate	4:05

1	those complaints and find that there was no misconduct on	4:05
2	your part, she's also the same captain who gave you those two	4:05
3	satisfactory ratings on those two performance -- or SBA	4:05
4	forms; correct?	4:06
5	A Yes --	4:06
6	MR. SALUTE: I mean -- wait a second. I guess I have an	4:06
7	issue with your question insofar as that she found no	4:06
8	misconduct, because it's argumentative and misstates the	4:06
9	letter of transmittal and what's provided in there.	4:06
10	MR. KONG: Appreciate that, but I'm just using the words	4:06
11	that your client actually testified to. He said that, in	4:06
12	essence, that the way the complaints were adjudicated, that	4:06
13	there was basically no findings of misconduct on his part.	4:06
14	So I'm just using the terminology that he used.	4:06
15	Q So it's your belief then -- just to confirm and	4:06
16	clarify, it's your belief that Captain Meek otherwise found	4:06
17	no misconduct on your part based on the allegations of those	4:06
18	two complaints we talked about; correct?	4:06
19	A I'm going to say yes and no. And I think the	4:06
20	not-resolved allegation should have been unfounded based on	4:06
21	the wording of the complaint, and the wording in those	4:07
22	ratings that she wrote, that I need interpersonal-skills	4:07
23	training -- I think those are indirect means to undermine my	4:07
24	career where she otherwise could not, based on the	4:07
25	investigation done by Internal Affairs.	4:07

1	BY MR. KONG:	4:18
2	Q      Do you recognize that document?	4:18
3	A      Okay. Yeah. This is the response from Captain	4:18
4	Pasos, rescinding the "You can't be a supervisor" order.	4:19
5	Q      Okay. And was there any communication between	4:19
6	Captain Pasos between this one and Exhibit 23?	4:19
7	A      I think this goes with 23.	4:19
8	Q      Okay.	4:19
9	A      I think this is the missing piece.	4:19
10	Q      And in between that, is it your belief that you also	4:19
11	forwarded emails, potentially, from I think it was Martin	4:19
12	Carter, the training coordinator, to Captain Pasos?	4:19
13	A      I believe so. I referenced it in my email to him;	4:19
14	so possibly I did. There's a possibility that I didn't,	4:19
15	also. So -- but I mentioned it in my email, what I had read;	4:19
16	so -- and the concerns I had.	4:19
17	Q      Okay. Have you seen -- or strike that.	4:20
18	Why don't we take a five-minute break? Is that	4:20
19	okay?	4:20
20	MR. SALUTE: Yeah. Sure.	4:20
21	THE VIDEOGRAPHER: We're off the record. The time is	4:20
22	4:20 P.M.	4:20
23	(Off the record.)	4:20
24	THE VIDEOGRAPHER: We're back on the record. The time is	4:28
25	4:28 P.M.	4:28

1	BY MR. KONG:	4:28
2	Q All right. So going back, when you initially	4:28
3	complained to I believe it was Captain McDonald about I guess	4:28
4	Lieutenant Meek at the time and what you observed at the	4:28
5	luncheon, your intent in reporting that was because you	4:28
6	thought it was a little inappropriate that she had that sort	4:28
7	of encounter with who arguably was a former subordinate of	4:28
8	hers; correct?	4:29
9	A Partially correct.	4:29
10	Q Okay. What part of it is not correct?	4:29
11	A Yes, to report that and to also give him some	4:29
12	context into how the unit was run prior and why the unit was	4:29
13	in the state it was at the time, with the officers not really	4:29
14	receptive to supervision.	4:29
15	Q And later on when you found out or got information,	4:29
16	prior to Captain Meek coming on board at E.S.D. as the	4:29
17	division captain -- when you found out that she was coming on	4:29
18	board as captain, you also expressed the same concerns to	4:29
19	other members of your command staff at the time about Captain	4:29
20	Meek; correct?	4:29
21	A Yes.	4:29
22	Q And what was the exact nature of what you complained	4:29
23	about Captain Meek?	4:29
24	A That I was concerned that I would be retaliated	4:29
25	against by her due to sexual favoritism of Officer Deluccia.	4:29

1	Q	Okay. And the City is in receipt of some discovery	4:30
2		responses from your attorney. Indicates that you're claiming	4:30
3		certain economic damages related to your lawsuit against the	4:30
4		City; is that true?	4:30
5	A	Yes.	4:30
6	Q	Do you know approximately as of today how much money	4:30
7		you're claiming in terms of economic loss?	4:30
8	A	My estimate on past earnings and future earnings and	4:30
9		lost pension came, estimated roughly, \$2.9 million.	4:30
10	Q	\$2.9 million?	4:30
11	A	Yes.	4:30
12	Q	How did you arrive at that figure?	4:30
13	A	I took the difference in my pay from the point I was	4:30
14		downgraded up to this point and extrapolated it forward to my	4:30
15		DROP end-date in July of 2021. I also included the	4:30
16		difference between a 90 percent pension and the 72 percent	4:30
17		pension, which I went into DROP during this thing to protect	4:31
18		myself.	4:31
19		I also calculated the loss of the standby overtime,	4:31
20		and I gave an average mileage, also, for my round trips that	4:31
21		I had on my City car that I lost at 35 cents a mile. And I	4:31
22		also factored in potential payouts down the road of my sick	4:31
23		time, vacation time at the different rates, and I added	4:31
24		35 percent for taxes that I would have to pay on top of that,	4:31
25		and it came out to roughly 2.9, not including the damages or	4:31

1	MR. KONG: What's that?	4:42
2	THE WITNESS: Keep Kleenex next time.	4:42
3	MR. KONG: The court reporter will otherwise be relieved	4:42
4	of maintaining the original copy; the copy of -- or the	4:42
5	original transcript will be provided to Mr. Salute's office,	4:42
6	at which point he'll provide Mr. Garvin -- or Lieutenant	4:42
7	Garvin with an opportunity review the transcript;	4:42
8	Lieutenant Garvin, you will have the opportunity to	4:42
9	review it, make any changes or edits; however, if you do, I	4:42
10	just want to caution you that if you make any changes to any	4:42
11	substantive responses, we can later use that to impeach your	4:42
12	testimony at any trial or proceeding.	4:43
13	The original will be maintained by Mr. Salute, and	4:43
14	he'll make it available upon reasonable request at any future	4:43
15	trial or proceeding. If the original is otherwise lost,	4:43
16	misplaced, or stolen, a certified copy will be used in its	4:43
17	place. So stipulated?	4:43
18	MR. SALUTE: Yep.	4:43
19	THE VIDEOGRAPHER: This ends the deposition of Raymond	4:43
20	Garvin on March 27th, 2019. We're off the record at 4:43	4:43
21	P.M.	4:43
22	(Deposition concluded at 4:43 P.M.)	4:43
23		
24		
25		

I certify or declare under penalty of perjury that the foregoing testimony is true and correct. Executed  
in COMPTON, California, this 12<sup>th</sup> day of  
APRIL, 2011.

Raymond Garvin  
Raymond Garvin

Page 251

Ben Hyatt Certified Deposition Reporters  
888.272.0022 818.343.7040 Fax 818.343.7119 [www.benhyatt.com](http://www.benhyatt.com)

EXHIBIT 21	EXHIBIT 22	EXHIBIT 23	EXHIBIT 24	EXHIBIT 25
T-11	EXHIBIT 12	EXHIBIT 13	EXHIBIT 14	EXHIBIT 15
				EXHIBIT 16
				EXHIBIT 17
				EXHIBIT 18
				EXHIBIT 19
				EXHIBIT 20
				EXHIBIT 21
				EXHIBIT 22
				EXHIBIT 23
				EXHIBIT 24
				EXHIBIT 25

XO - ZOMK

Jamie L. Apodaca, Certified Shorthand Reporter

State of California, do hereby certify:

The witness named in the foregoing deposition  
agreed to testify the truth, the whole truth, and  
nothing but the truth;

that said deposition was taken down by me in  
stenographic form and thereafter reduced to computerized  
transcription. I further certify the foregoing deposition is  
true, and correct transcript of my stenographic notes  
and that dismantling, unsealing, or unbinding of this  
transcript will render this certificate null and void.

I further certify that I am neither counsel for nor  
employed by any of the parties in said action;  
furthermore that I am not a relative or employee of any  
attorney or counsel employed by the parties hereto or in  
anywise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this

9<sup>th</sup> day of April, 2019.

Jamie L Apodaca  
CSR No. 10990

	I N D E X		
2	WITNESS	EXAMINATION	PAGE
3	Raymond Garvin	By Mr. Kong	3
4		Afternoon Session	70
5		E X H I B I T S	
6	DEFENDANT'S:	DESCRIPTION:	IDENTIFIED:
7	1	First Amended Notice of Taking Deposition of Plaintiff Raymond Garvin	18
8	2	TEAMS Report of Raymond Garvin, dated 03/26/19	20
9	3	Employee Comment Sheet of Raymond Garvin, dated 06-10-16	108
10	4	Response to Employee Comment Sheet, stamped "Received July 13, 2016"	139
11	5	Los Angeles Police Department Standards Based Assessment for Raymond Garvin, for period from 10/16/2015 to 10/15/2016	150
12	6	Los Angeles Police Department Complaint Form, Statute Date 02/08/2018.	160
13	7	Los Angeles Police Department Complaint Adjudication Form, dated 01/13/2018	166
14	8	Employee Interview form, dated March 6, 2018	169
15	9	Letter of Transmittal, redacted	173
16	10	Intradepartmental Correspondence, dated March 2, 2017	180
17	11	Intradepartmental Correspondence, dated March 2, 2017	183
18	12	Administrative Transfer & Reassignment to a Lower Paygrade Request Acknowledgment, dated 3/9/17	186
19	13	Typed letter from Ray Garvin to "Captain," and typed response from Kathy to Ray	188
20			
21			
22			
23			
24			
25			

E X H I B I T S (Continued)		
DEFENDANT'S:	DESCRIPTION:	IDENTIFIED:
14	Los Angeles Police Department Transfer and/or Change in Paygrade, dated 3/9/17	197
15	Los Angeles Police Department Complaint Form, dated 03/04/2018	199
16	Los Angeles Police Department Complaint Adjudication Form, dated 2/28/18	202
17	Employee Interview form, dated 3/1/18	204
18	Letter of Transmittal, pages 15 to 21	205
19	Los Angeles Police Department Standards Based Assessment for Raymond Garvin, for period from 10/16/2016 to 07/08/2017	207
20	Administrative Appeal Form dated 7-11-2017	213
21	Email from Theresa Hartter to Lucy Larriva, dated December 04, 2017	218
22	Email dated July 12, 2017, from Raymond Garvin to Theresa Hartter	222
23	Email dated July 12, 2017 from Raymond Garvin to Captain Pasos from	231
24	Email string dated July 12 and 13 between Raymond Garvin and John Moreno	235
25	Email dated July 14, 2017, from Alfred Pasos to Raymond Garvin	238
21	INFORMATION REQUESTED:	
22	None.	
23		
24	QUESTIONS INSTRUCTED NOT TO ANSWER:	
25	None.	

Exhibit C

Response to Employee  
Comment Sheet

[Plaintiff's Deposition  
Exhibit 4]

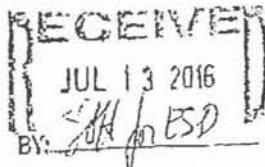
Response to Employee Comment Sheet

I respectfully disagree with the Employee Comment Sheet dated June 15, 2016. The document fails to fully, completely, or accurately describe the chain of events that have taken place since the author of the Employee Comment Sheet assumed command of Emergency Services Division or even events prior to that assumption of command which are important to understand the context in which this document was generated and the unique workplace environment I have been placed in. The manner in which the Employee Comment Sheet was authored, infers to the reader that that I have engaged in certain behaviors, however, the document provides no specific facts to support those inferences. The document, as written, took bits and pieces of interactions and documented them out of context in order to fit a pre-determined narrative that is not factual. It is unfair to present me a document based on multiple levels of hearsay and treat that hearsay as factual. The Employee Comment Sheet was presented to me on June 16, 2016 and cites a meeting held on May 6, 2016 (41-days prior), and a meeting held May 24, 2016 (23-days prior). Arguments aside about the accuracy of the Employee Comment Sheet, an employee should be entitled to know if their supervisor intends to document any meeting and the employee should also be entitled to have that document presented to them promptly while the events are still fresh in their mind (within a few days of the meeting) and not surprised over a month later.

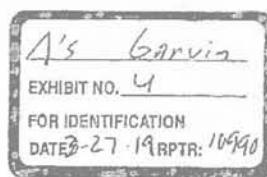
It is my intent to continue my good work and stay positive despite the working conditions I have unfairly been subjected to.

Respectfully,

Lieutenant R. Garvin #26278  
Emergency Services Division



VAM 2401



(4)

# Exhibit D

## Declaration of John Rice

## **DECLARATION OF JOHN RICE**

I, John Rice, declare as follows:

1. I am a Police Officer III with the Los Angeles Police Department ("Department"), and am employed by the City of Los Angeles. I am currently assigned to the Internal Affairs Group Discovery section. If called as a witness, I could and would testify to all the matters and facts contained herein based upon my own, first-hand personal knowledge, unless stated upon information and belief.

2. Internal Affairs Group (“IAG”), under the command of Professional Standards Bureau, operates as the investigative arm of the Chief of Police to identify and report corruption and investigate criminal and administrative misconduct, which includes employee behavior that violates the law, tends to discredit the Department, or violates a Department policy, procedure, or practice.

3. I am informed and believe that a personnel complaint was initiated in or around September 2017 to investigate allegations related to Lieutenant Raymond Garvin's claims of misconduct against a Department employee. Lieutenant Garvin was interviewed as part of IAG's investigation of Garvin's claim because he was the complainant. I am informed and believe that he was not under investigation by IAG or the Department in connection with this personnel complaint. Attached as Exhibit D is a true and correct copy of excerpts of the reporter's transcript of the Internal Affairs interview of Raymond Garvin conducted on January 16, 2018.

4. The audio recording of the interview reflected in Exhibit D is maintained by the Department in its regular course of business. Moreover, every employee who is interviewed by IAG has a right to personally record his or her interview, and if necessary, to obtain a copy of his or her interview from the Department.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 15, 2019, at Los Angeles, California.

John Rice #34167  
**JOHN RICE**

Exhibit E

Excerpts from  
Plaintiff's Transcribed  
Internal Affairs  
Interview, Taken  
January 16, 2018

LOS ANGELES POLICE DEPARTMENT

In the Matter of: )  
Transcription of ) CF No. 17-002470  
Audiotaped Interview Of ) Audio No. Garvin  
Lieutenant Raymond Garvin )  
\_\_\_\_\_  
)

TRANSCRIPTION OF TAPE-RECORDED INTERVIEW

OF LIEUTENANT RAYMOND GARVIN

Transcribed by:  
Nanette Jensen

Job Number:  
TP88418

Los Angeles Police Department

Audio No. Garvin

SERGEANT JIZMEJIAN: Okay. This is a digitally recorded interview for CF number 17002470. Today's date is January 16th, 2018. The time now is 10:09 hours. The location of the interview is the Law office of Kevin Salute at 1801 Ventura Boulevard, suite 208.

9 Present to be interviewed is Lieutenant Raymond  
10 Garvin, serial number 26378 Of Southeast. His  
11 assignment on the date of the alleged occurrence or  
12 occurrences was ESD. He is accompanied by Kevin Salute  
13 who is his attorney.

14 The primary investigator is Sergeant John Jizmejian,  
15 serial number 33615 of IAG/WIS. The secondary  
16 investigator is Sergeant Scott Moffitt, serial number  
17 35975 of IAG/WIS.

18 Lieutenant, you're being interviewed as a  
19 complainant in this matter. And the nature of the  
20 interview pertains to the government claim you filed.

As per your request, Lieutenant, you have the right  
to remain silent. Do you understand?

23 | RAYMOND GARVIN: Yes.

SERGEANT JIZMEJIAN: Anything you say may be used --  
used against you in court. Do you understand?

1 RAYMOND GARVIN: Yes.

2 SERGEANT JIZMEJIAN: You have the right to have  
3 presence of an attorney before and during any  
4 questioning. Do you understand?

5 RAYMOND GARVIN: Yes.

6 SERGEANT JIZMEJIAN: If you cannot afford an  
7 attorney, one will be appointed for You free of charge  
8 before any questioning if you want. Do you understand?

9 RAYMOND GARVIN: Yes.

10 SERGEANT JIZMEJIAN: Do you want to talk about what  
11 happened?

12 RAYMOND GARVIN: No.

13 SERGEANT JIZMEJIAN: Will you provide a voluntary  
14 statement?

15 RAYMOND GARVIN: No.

16 SERGEANT JIZMEJIAN: All right. Lieutenant, as a  
17 supervisor of the Los Angeles Police Department and as  
18 authorized by the Chief of Police, I want to inform you  
19 that your silence could be deemed as insubordination and  
20 lead to administrative discipline which could result in  
21 your discharge or removal from office. And that any  
22 statement made under the compulsion of the threat of  
23 such discipline cannot be used against you in any  
24 subsequent criminal proceedings.

25 Sir, I hereby order you to answer all questions and

1 provide a statement in this matter.

2 Lieutenant, will you now provide a statement?

3 RAYMOND GARVIN: Yes. Under the threat of  
4 insubordination, yes.

5 SERGEANT JIZMEJIAN: All right. Sir, also you are  
6 ordered not to discuss this investigation with or  
7 provide copies of your interviews recordings to anyone  
8 other than your rep, your attorney, your commanding  
9 officer, or the investigator assigned to the case. Any  
10 violation of this order could result in a charge of  
11 insubordination.

12 All right. Sir, have you read the government claim  
13 that you filed against the City of Los Angeles?

14 RAYMOND GARVIN: Yes.

15 SERGEANT JIZMEJIAN: Okay. Is it accurate?

16 RAYMOND GARVIN: Yes. There is one part I -- I  
17 need -- I would like clarified on -- on the document.  
18 It's on --

19 SERGEANT JIZMEJIAN: Sure.

20 RAYMOND GARVIN: -- page 5.

21 SERGEANT JIZMEJIAN: All right.

22 RAYMOND GARVIN: Look at lines 5 through 9 there.  
23 It's describing a meeting with Captain -- Commander  
24 Frank at the time and Captain Sambar.

25 SERGEANT JIZMEJIAN: Okay.

1 RAYMOND GARVIN: The last sentence I just want to --  
2 I -- I didn't -- when I'm reading it if didn't seem  
3 clear to me, but during that portion when I brought  
4 the -- when I met with them, it's -- what I'm saying is  
5 I was threatened by Captain Sambar and Commander Frank  
6 that if I made an allegation of -- I met with them  
7 regarding the Notice to Correct and what not. And if I  
8 made an -- an allegation of retaliation, they were going  
9 to charge me with misconduct for failing to report it  
10 earlier.

11 And I was told that by Captain -- Captain Sambar at  
12 the time.

13 SERGEANT JIZMEJIAN: Okay. And you said lines 5  
14 through 9?

15 RAYMOND GARVIN: Well, that's -- you know, that's  
16 the part that it's talking about it. It's basically the  
17 last sentence there. You know, at that point on line 7  
18 it says, "At that point Captain Sambar threatened  
19 claimant telling him that if he was saying he was a  
20 victim of retaliation, he needed to report and his  
21 failure to do so could be deemed misconduct."

22 I -- I -- that's accurate but -- but the more  
23 accurate would be basically they're saying if I report  
24 it, they're going to charge me with my own misconduct  
25 for not reporting it sooner.

1 SERGEANT JIZMEJIAN: Okay. All right. You know  
2 what, the copy of the claim I have is different than the  
3 claim you have. Let's just go off tape for a minute and  
4 try to --

5 ATTORNEY SALUTE: This -- well, he's just actually  
6 referencing lines 10 through 14.

7 SERGEANT JIZMEJIAN: Yeah. But he referenced it as  
8 line 7.

9 ATTORNEY SALUTE: Oh.

10 SERGEANT JIZMEJIAN: So I just want to make sure  
11 that the document I have mirrors yours exactly. Okay.

12 RAYMOND GARVIN: Okay. Maybe I'm going off an older  
13 copy then. But mine -- this is amended, so --

14 SERGEANT JIZMEJIAN: Let's -- let's just go off tape  
15 for a minute and figure this out. It's 10:14 hours.

16 (Short break)

17 SERGEANT JIZMEJIAN: Time now is 10:17 hours. And  
18 we're back on tape. All right. Lieutenant, so I -- I  
19 gave you a -- a copy of the -- the same copy of the  
20 claim I have.

21 RAYMOND GARVIN: Right.

22 SERGEANT JIZMEJIAN: The (Inaudible) copy. So can  
23 you please tell me what you were discussing --

24 RAYMOND GARVIN: So --

25 SERGEANT JIZMEJIAN: -- Earlier?

1           RAYMOND GARVIN: -- page 5 on this -- on this copy  
2 of page 5 lines, like, 12 through 14 it describes a -- a  
3 threat that Captain Sambar made to me. And I just want  
4 to -- if I wasn't clear, I just want to make it clear in  
5 that point was when I went up there to meet with them, I  
6 was told by Captain Sambar that if I was going to  
7 make -- if I was going to make -- say that I was a  
8 victim of retaliation, they were going to charge me with  
9 misconduct.

10          SERGEANT JIZMEJIAN: And what was that misconduct?

11          RAYMOND GARVIN: Failing to report it earlier.

12          SERGEANT JIZMEJIAN: Oh, okay.

13          RAYMOND GARVIN: Failing to report my own misconduct  
14 earlier.

15          SERGEANT JIZMEJIAN: The misconduct --

16          RAYMOND GARVIN: The -- the retaliation against me,  
17 yes.

18          SERGEANT JIZMEJIAN: Okay.

19          SERGEANT MOFFITT: So instead of saying he needed to  
20 report it, it should say he should have reported it?  
21 Something to that effect?

22          RAYMOND GARVIN: It was just at the time when I read  
23 it, when I reviewed it, it -- it just --

24          SERGEANT MOFFITT: Because it says here --

25          RAYMOND GARVIN: -- I just want to make sure --

1           SERGEANT MOFFITT: It says he needed -- if he was a  
2 victim of retaliation on line 13, saying he was a victim  
3 of retaliation, he needed to report it. And his failure  
4 to do so could be deemed misconduct. But what you're  
5 now saying is that he should have reported it?

6           RAYMOND GARVIN: No. He's saying if it was -- if --  
7 if I -- base -- if I report that I'm a victim of  
8 retaliation to them, they're going to charge me with  
9 misconduct.

10          SERGEANT JIZMEJIAN: Because you didn't make that  
11 report in a timely manner allegedly?

12          RAYMOND GARVIN: Yeah.

13          SERGEANT JIZMEJIAN: Okay. All right. All right.  
14 Sir, let's start on page 2 of the document, lines 18  
15 through 22. Okay. So just read through it just for  
16 your own recollection.

17          RAYMOND GARVIN: Uh-huh. You said 18 through 22?

18          SERGEANT JIZMEJIAN: Yes.

19          RAYMOND GARVIN: Yeah.

20          SERGEANT JIZMEJIAN: All right. So please define  
21 the term "team" as it relates to ESD?

22          RAYMOND GARVIN: A team, a K-9 team is a K-9 handler  
23 and a dog.

24          SERGEANT JIZMEJIAN: Okay. And who -- who -- who  
25 composed these three teams? Which officers?

1 RAYMOND GARVIN: It was Tom DeLuccia.

2 SERGEANT JIZMEJIAN: Okay.

3 RAYMOND GARVIN: Lori Harrington Lorraine  
4 Harrington.

5 SERGEANT JIZMEJIAN: All right.

6 RAYMOND GARVIN: And Ed Dominguez.

7 SERGEANT JIZMEJIAN: Okay. And who made the -- the  
8 determination of who -- who would be members of these  
9 three new teams?

10 RAYMOND GARVIN: That was --

11 SERGEANT JIZMEJIAN: What I'm getting at, sir, was  
12 that your decision? Was it somebody else's decision?

13 RAYMOND GARVIN: It -- my recollection it was myself  
14 and the captain at the time when -- when we put these  
15 together.

16 Originally -- actually the original group was  
17 Vanessa Keortge. The -- the first handler there was one  
18 of Vanessa Keortge. The first city team we started.  
19 And then from that, we got grant funding and we sought  
20 other -- other K-9 teams through CTSOB to get us the  
21 authorities. And it built to three.

22 And when it built to three, it was Vanessa Keortge,  
23 Tom DeLuccia and Ed Dominguez. And that process was  
24 myself and I believe -- I forgot which captain it was.  
25 If it was --

1 SERGEANT JIZMEJIAN: Incontro?

2 RAYMOND GARVIN: Probably Incontro at that time,  
3 yeah.

4 SERGEANT JIZMEJIAN: Okay. And what happened to  
5 Harrington in the meantime?

6 RAYMOND GARVIN: Harrington -- Vanessa -- Harrington  
7 stayed at LAX. And Vanessa Keortge subsequently left  
8 ESD and got a job at Narcotic K-9 and then Harrington  
9 was selected by Captain Meek to replace Vanessa Keortge.

10 SERGEANT JIZMEJIAN: Okay. And you had no input  
11 into Harrington's selection?

12 RAYMOND GARVIN: I was not asked by the captain.

13 SERGEANT JIZMEJIAN: And in regards to the -- the  
14 three original members, correct me if I'm wrong, did you  
15 make a recommendation to the captain probably Incontro,  
16 who you wanted on the three teams and he approved? Is  
17 that how it worked?

18 RAYMOND GARVIN: I -- I made recommendations and he  
19 would have the final say.

20 SERGEANT JIZMEJIAN: Okay. Got it. All right.  
21 Same page, sir, lines 25 through 27.

22 RAYMOND GARVIN: Uh-huh.

23 SERGEANT JIZMEJIAN: Okay. Who did Meek have a  
24 romantic relationship with?

25 RAYMOND GARVIN: Tom DeLuccia.

1           SERGEANT JIZMEJIAN: Okay. How do you know that?

2           RAYMOND GARVIN: He told me. He's verified it to  
3 me.

4           SERGEANT JIZMEJIAN: And what did he tell you  
5 specifically?

6           RAYMOND GARVIN: It was after this. But -- what I  
7 was operating on at this time was --

8           SERGEANT JIZMEJIAN: When you say "this," what are  
9 you referencing, sir?

10          RAYMOND GARVIN: The -- when I went to  
11 Captain Incontro. I hadn't had the conversation with  
12 DeLuccia. That's subsequent to that.

13          SERGEANT JIZMEJIAN: Okay.

14          RAYMOND GARVIN: At -- at this, it was -- I was at a  
15 going-away luncheon for Officer Tom Davoren.

16          SERGEANT JIZMEJIAN: Uh-huh.

17          RAYMOND GARVIN: The K-9 unit was there. That was  
18 the first time I met Captain Meek who I think then was a  
19 lieutenant.

20          SERGEANT JIZMEJIAN: Uh-huh.

21          RAYMOND GARVIN: She came to that function.

22          SERGEANT JIZMEJIAN: When -- when was this?

23          RAYMOND GARVIN: Well, it would -- you'd have to  
24 look when Tom Davoren became a member of the Bomb Squad.  
25 So it was right before that. Probably in the month

1 before that we usually do the going away from one unit  
2 to the --

3 SERGEANT JIZMEJIAN: Okay.

4 RAYMOND GARVIN: -- other one. So that would be  
5 your time frame. I -- it's been awhile.

6 SERGEANT JIZMEJIAN: Yes, sir. Meek was a  
7 lieutenant then?

8 RAYMOND GARVIN: I think she was a lieutenant at the  
9 time at 77th as a detective --

10 SERGEANT JIZMEJIAN: Okay.

11 RAYMOND GARVIN: -- CO.

12 SERGEANT JIZMEJIAN: All right.

13 RAYMOND GARVIN: At that luncheon I observed some  
14 interactions between Meek and some of the handlers. And  
15 Sergeant Mitch Lambdin sitting next to me who is now  
16 retired, had told me that -- that DeLuccia and her were  
17 involved.

18 SERGEANT JIZMEJIAN: Okay. And -- and you can't  
19 quite recall how long before you presented that  
20 information -- how long before that luncheon was prior  
21 to when you presented that information to  
22 Captain Incontro?

23 RAYMOND GARVIN: I actually took -- had that  
24 information to Captain McDonald probably within days of  
25 that, Captain McDonald was the captain at the time --

1 SERGEANT JIZMEJIAN: Okay.

2 RAYMOND GARVIN: -- when that happened. And it was

3 that we had weekly OIC meetings every Tuesday.

4 SERGEANT JIZMEJIAN: Uh-huh.

5 RAYMOND GARVIN: And I brought it up at one of the

6 meetings saying what I saw, the interaction between

7 Captain -- then Lieutenant Meek and some of the

8 handlers. And I saw one of the handlers actually kiss

9 Captain Meek in uniform. It was kind of a going away

10 thing. But it was on the mouth. And I was like -- and

11 I made the comments to Captain McDonald, I said, "I'm

12 never going to be that close with the guys. I -- how do

13 you compete against that? I'm never going to be that

14 close to the guys," you know.

15 SERGEANT JIZMEJIAN: This is -- you're a brand new

16 OIC at the time?

17 RAYMOND GARVIN: Yeah.

18 SERGEANT JIZMEJIAN: And --

19 RAYMOND GARVIN: And I was like cause -- I was like,

20 "So this is why -- this is how it's going" because one

21 of the things I saw there, there was no supervision in

22 the unit. And so the comment I made to him, I told him

23 what my observations were at the interactions. And I

24 was like, "I'm never going to be that close to -- to the

25 guys," so --

1           SERGEANT JIZMEJIAN: And who -- who kissed Meek on  
2 the mouth?

3           RAYMOND GARVIN: John Borquez.

4           SERGEANT JIZMEJIAN: Okay. And then so you saw  
5 certain actions between her and DeLuccia which raised  
6 your suspicions?

7           RAYMOND GARVIN: Not that I recall at that. It was  
8 just -- and I -- I, you know, Sergeant Lambdin was  
9 sitting next to me. And I was like, "Are you seeing  
10 this?" He's like, "Oh, yeah." You know. And that's  
11 when he tells me about the -- her and DeLuccia.

12          SERGEANT JIZMEJIAN: Okay. And what were these  
13 interactions? Can you describe them?

14          RAYMOND GARVIN: Oh, just -- no -- no borders. You  
15 know, just a lot of joking, a lot of interactions. It's  
16 like -- I don't know --

17          SERGEANT JIZMEJIAN: Like --

18          RAYMOND GARVIN: -- A bunch -- a bunch of P-IIIs  
19 together.

20          SERGEANT JIZMEJIAN: Like equals?

21          RAYMOND GARVIN: -- at -- at a bar. Yeah, equals.

22          SERGEANT JIZMEJIAN: Okay.

23          RAYMOND GARVIN: Yeah. No -- you know, just --  
24 yeah.

25          SERGEANT JIZMEJIAN: No for --

1 him. It was right before she came over as the captain.  
2 Because I found out that she was going to become our  
3 captain from him.

4 So he made it a point to be there. And told me,  
5 "Oh, by the way, you know, Kathy's the new captain."  
6 And I was like, "Oh, well, nice that you know. I don't  
7 even know." And then he says, "You know, we're really  
8 close."

9 SERGEANT JIZMEJIAN: And what -- just please  
10 describe what you're doing with your fingers.

11 RAYMOND GARVIN: He crosses index with his middle  
12 finger and started slapping them together --

13 SERGEANT JIZMEJIAN: Okay.

14 RAYMOND GARVIN: -- in my opinion as he's making a  
15 sexual gesture. And -- and I said, "Yeah, I -- I heard  
16 about that."

17 SERGEANT JIZMEJIAN: Anything else?

18 RAYMOND GARVIN: He went on to say how much she  
19 hated the Johns. That she was going to make their life  
20 miserable.

21 SERGEANT JIZMEJIAN: The Johns?

22 RAYMOND GARVIN: John Borquez, John Long.

23 SERGEANT JIZMEJIAN: Okay.

24 RAYMOND GARVIN: That's what he calls them, the  
25 Johns. And how she hated, I think, an officer Hennigan

1       in the Bomb Squad. And she can't wait to get there.  
2       And I'm just -- nothing about K-9. I'm just like, Oh,  
3       okay, you know.

4             SERGEANT JIZMEJIAN: Uh-huh.

5             RAYMOND GARVIN: All right.

6             SERGEANT JIZMEJIAN: And now -- but your discussion  
7       with DeLuccia was after your discussion with  
8       Captain Incontro; is that correct?

9             RAYMOND GARVIN: Yes.

10          SERGEANT JIZMEJIAN: Okay. Do you know if  
11       DeLuccia's relationship with Meek was ongoing when she  
12       became the CO of ESD?

13          RAYMOND GARVIN: I don't know.

14          SERGEANT JIZMEJIAN: Okay. Was the leadership of  
15       ESD aware of it? At the bureau level?

16          RAYMOND GARVIN: They should have been because I --  
17       I -- when Incontro -- when Captain Incontro was going to  
18       leave and he made chief, I think Monterey Park or  
19       wherever, there was talk about Captain Meek was going to  
20       become the new captain -- the new CO. And I went to him  
21       and I expressed my concerns about her coming over as now  
22       the captain.

23          SERGEANT JIZMEJIAN: Uh-huh.

24          RAYMOND GARVIN: And told -- told him what the  
25       information that I had and my fears that if she came

1 over, that I would be the subject of some stuff on her  
2 part through -- via DeLucchia.

3 And he later reported back to me, "Ray, she's not  
4 going to be the captain. I ran it up." He led me to  
5 believe that he ran up the flag pole, up -- up to the  
6 bureau level, and that he was telling me she's not going  
7 to be the captain. Don't worry about it.

8 Captain Solano comes in and then a year or so later  
9 when Solano leaves, there's not this leeway into it as  
10 what you have -- well, we knew Incontro was leaving  
11 because he made chief and there was a -- when -- the  
12 move on Solano was done, it was done pretty clean. And  
13 as soon as he was out, they said Captain Meek is in.  
14 And I went to Solano at the same time in a meeting says,  
15 "Why would they do this? I talked talked about it last  
16 time." And he's like, "Ray, I don't know." You know,  
17 and so I had told Solano, too.

18 SERGEANT JIZMEJIAN: Was Solano aware of the alleged  
19 relationship prior --

20 RAYMOND GARVIN: I don't know.

21 SERGEANT JIZMEJIAN: -- to you disclosing it to him?

22 RAYMOND GARVIN: I don't know.

23 SERGEANT JIZMEJIAN: Okay. But what did you tell  
24 Solano, sir?

25 RAYMOND GARVIN: The same thing. That I told

1       Incontro and that he had supposedly gone to the bureau  
2       and led me to believe he had gone to the bureau. And --  
3       and I was worried again. The same fears that that I  
4       had.

5       So I -- I told him. And then I subsequent to that  
6       during this process I told then Commander Frank.

7           SERGEANT JIZMEJIAN: Oh, you -- you told Frank  
8       yourself?

9           RAYMOND GARVIN: Told Frank myself in that meeting  
10      with --

11          SERGEANT JIZMEJIAN: Him and Sambar.

12          RAYMOND GARVIN: Sambar. But I think -- well, I  
13       believe he knew it ahead of time because one of the  
14       comments he made in that meeting is -- we were having  
15       the discussion. He goes, "Oh, you believe she's having  
16       sex or with DeLuccia, right?" Or something like that.

17          SERGEANT JIZMEJIAN: Uh-huh. He -- he brought that  
18       up prior to --

19          RAYMOND GARVIN: Yeah.

20          SERGEANT JIZMEJIAN: -- you bringing it up?

21          RAYMOND GARVIN: (No audible response)

22          SERGEANT JIZMEJIAN: Okay.

23          RAYMOND GARVIN: So I'm sure everybody knew about  
24       it. I mean --

25          SERGEANT JIZMEJIAN: Uh-huh.

1 RAYMOND GARVIN: -- I -- what they did with it, what  
2 the extent of it is, I was reporting my concerns and I  
3 left it at that. I didn't pry into their relationship.  
4 I didn't go trying to, you know --

5 SERGEANT JIZMEJIAN: When you informed  
6 Captain Incontro of the alleged relationship between the  
7 two, were you -- were you telling him in -- in a manner  
8 consistent with reporting misconduct? Or -- or were you  
9 telling him just based --

10 RAYMOND GARVIN: I believe it was --

11 SERGEANT JIZMEJIAN: -- upon your concerns?

12 RAYMOND GARVIN: -- conflict -- I think there's a --

13 I believe there was a conflict of interest.

14 SERGEANT JIZMEJIAN: Okay.

15 RAYMOND GARVIN: If that was -- if you come in as  
16 the captain and you -- you possibly have or had a  
17 relationship, it would -- could create a conflict of  
18 interest especially -- so it was more on those terms.

19 I'm not ignorant to the fact that people have  
20 relationships in the Department and things of that  
21 nature. But if it creates conflict --

22 SERGEANT JIZMEJIAN: Yeah.

23 RAYMOND GARVIN: -- it should be avoided.

24 SERGEANT JIZMEJIAN: And your discussion was with  
25 Solano was along the same lines?

1 RAYMOND GARVIN: (No audible response)

2 SERGEANT JIZMEJIAN: Your purpose -- your reason why  
3 you explained to Solano?

4 RAYMOND GARVIN: It was more frustration that, hey,  
5 I reported this previously to Incontro. I was led to  
6 believe that everybody was aware of it and it wasn't  
7 going to be a problem. And now what do we do? And --

8 SERGEANT JIZMEJIAN: Again, and more to vent your  
9 concerns, correct?

10 RAYMOND GARVIN: Yes.

11 SERGEANT JIZMEJIAN: Okay.

12 RAYMOND GARVIN: I was still concerned that there  
13 would still be a conflict. And all is we had done is  
14 delayed this a year and a half and her coming over  
15 basically.

16 ATTORNEY SALUTE: He's -- he's -- basically he's  
17 asking you was your intent to report misconduct or was  
18 it just to report a conflict of interest? I believe  
19 that's what he asked.

20 RAYMOND GARVIN: It was -- it was the conflict.

21 SERGEANT JIZMEJIAN: Yes, sir.

22 RAYMOND GARVIN: At that point.

23 SERGEANT MOFFITT: All right.

24 SERGEANT JIZMEJIAN: Go ahead.

25 SERGEANT MOFFITT: How did they respond? When

1       you -- when you tell Incontro this or Solano this or  
2       Frank this, how -- did they respond in an affirmative,  
3       like, yes, we're aware of that. Or this is the first  
4       we're hearing of it? How -- how does what is the  
5       response?

6           RAYMOND GARVIN: Nobody's ever said "yes" or "no" or  
7       come to me afterwards and says, "Ray, you're wrong.  
8       You're way off on this. That's the not case. We've  
9       looked into it."

10          Nobody has said anything about that. When I brought  
11       it up with Incontro, he -- he didn't -- just, okay.  
12       Took in the information.

13          SERGEANT MOFFITT: So they merely noted it?

14          RAYMOND GARVIN: Well, yeah.

15          SERGEANT JIZMEJIAN: Well, didn't you say earlier  
16       that he provided some -- he led you to believe that he  
17       presented it to bureau?

18          RAYMOND GARVIN: Yeah, when I came back he said that  
19       he had -- he led me to believe -- I don't remember the  
20       exact wording, but it was led me to believe that he had  
21       taken it up the chain of command.

22          SERGEANT JIZMEJIAN: And that's -- that's what --

23          RAYMOND GARVIN: And that she wasn't going to be,  
24       you know, that they're aware of it. And that she wasn't  
25       going to be the CO there.

1 SERGEANT JIZMEJIAN: Okay.

2 RAYMOND GARVIN: That's -- you know, I don't  
3 remember the exact verbiage of it, so --

4 ATTORNEY SALUTE: But he's asking you the same thing  
5 with Solano and same thing with -- who's the other one?

6 RAYMOND GARVIN: Frank.

7 ATTORNEY SALUTE: Frank. Frank.

8 SERGEANT JIZMEJIAN: But let's leave Frank out of  
9 it.

10 ATTORNEY SALUTE: Oh, okay.

11 SERGEANT JIZMEJIAN: Because we're going --

12 ATTORNEY SALUTE: Okay.

13 SERGEANT JIZMEJIAN: -- get to Frank later.

14 RAYMOND GARVIN: Okay.

15 ATTORNEY SALUTE: All right. So what about Solano?

16 RAYMOND GARVIN: Solano, I -- I said the same stuff  
17 to him, and I reiterated what -- you know, the  
18 interaction with Incontro and what I was led to believe.  
19 And the -- I don't remember the exact words, the  
20 interaction but what I walk away from that felt was that  
21 I don't know if Solano took that to the bureau to say,  
22 hey, don't -- did you forget --

23 ATTORNEY SALUTE: His question was, "What was his  
24 response?"

25 RAYMOND GARVIN: I don't remember his exact

1 response. Just the -- the -- the thing at the time was  
2 he was having his own problems with bureau. He was  
3 feeling much pressure from bureau. So I don't think he  
4 had the -- I think he was afraid to take it up to the  
5 bureau. I don't remember the --

6 ATTORNEY SALUTE: But, Ray, he's asking you, "What  
7 was his response?" Did he respond?

8 SERGEANT JIZMEJIAN: What did he tell you?

9 RAYMOND GARVIN: I -- I don't remember his exact  
10 words. It was -- but like he agreed with me in being  
11 frustrated and -- and things of that. But I don't  
12 remember the exact words. But it -- but he received the  
13 information. There's no doubt that, you know, he  
14 understood what I was telling him.

15 But as far as exact words, I -- I couldn't tell you  
16 what the exact words were.

17 SERGEANT JIZMEJIAN: Okay. No worries. All right.  
18 Lines -- or pages 2 to 3, lines 27 to 2. So 2 to -- 2  
19 to 3, 27 to 2.

20 You mentioned that you've had a work performance  
21 conflict with Tom DeLuccia.

22 RAYMOND GARVIN: Yes.

23 SERGEANT JIZMEJIAN: What was -- what was that  
24 about, sir?

25 RAYMOND GARVIN: DeLuccia had spread a rumor about

1 me that I didn't support the military and that I didn't  
2 support the Police Unity Tour --

3 SERGEANT JIZMEJIAN: Okay.

4 RAYMOND GARVIN: -- Ride.

5 SERGEANT JIZMEJIAN: Yeah. Yeah.

6 RAYMOND GARVIN: And -- which was false. He had  
7 even gone to the military liaison and told them. And  
8 then they called Captain Incontro at the time who called  
9 me and told me about it. And it was based on DeLuccia's  
10 always -- DeLuccia is always looking out for DeLuccia.  
11 And in one particular instance -- and I'm -- and -- I  
12 hold people accountable. If there's something going on,  
13 I'll come talk to you and say, "Hey, what's going on?"

14 In this particular instance he came to me one day  
15 and he served military orders on me, "Hey, I got to go  
16 off on military leave." "Okay. Fine. Go off on  
17 military leave."

18 But they -- it -- from what I remember the orders  
19 were for like the following week. It was a very short  
20 amount of time. And normally you're supposed to get the  
21 30 days. And so I had them. And -- and I knew from my  
22 prior conversation with him that he knew a year in  
23 advance. Because he handed all the training for his  
24 battalion. And I told him I said -- and he came to me  
25 right after days off were done.

1           And with the K-9, with the deployment it's very --  
2       it's -- there's not a lot of K-9 handlers to go around.

3           SERGEANT JIZMEJIAN: Uh-huh.

4           RAYMOND GARVIN: And so I expressed frustration to  
5       him saying, "Hey, you knew -- you did this after the  
6       fact. I don't really appreciate it." But I said, "Go  
7       on your military leave." And that was that.

8           Well, he went to the military liaison saying I don't  
9       support the military. They called Incontro and Incontro  
10      called me and says, "Give him whatever he wants." I  
11      said, "He's got whatever he wants. It's not an issue  
12      it's just I'm letting him know, I know what he was  
13      doing. He was playing a game."

14           And so that was the one incident. And another  
15      instance he had been telling others that I don't support  
16      the Police Unity Tour.

17           SERGEANT JIZMEJIAN: Okay. Did he have any insight  
18      into why he would spread a rumor like that?

19           RAYMOND GARVIN: I had -- I was in the K-9 office  
20      one day and he was there with Officer Harrington. And  
21      they were talking about their going to Washington or  
22      somewhere, wherever they were going to do the bike ride.

23           SERGEANT JIZMEJIAN: Uh-huh.

24           RAYMOND GARVIN: And I was talking with them telling  
25      them to enjoy themselves. And -- and I don't remember

1       the -- the term I used or whatever in talking about it,  
2       but something basically like, you know, enjoy your  
3       vacation or your time away or whatever, something that  
4       effect.

5           And that got blown up into later I was accused, you  
6       know, of -- I -- accused -- not accused because that  
7       would say misconduct, but the rumor was I didn't support  
8       the Unity Tour either which was ridiculous.

9           SERGEANT JIZMEJIAN: All right. Sir, page 3, lines  
10      14 through 18. Just give you a minute to read it.

11           RAYMOND GARVIN: Uh-huh. Yes.

12           SERGEANT JIZMEJIAN: Okay. So you identified  
13      problematic consequences with Meek's course of action  
14      regarding moving the three grant funded K-9 teams.

15           RAYMOND GARVIN: Yes.

16           SERGEANT JIZMEJIAN: What was problematic  
17      consequences?

18           RAYMOND GARVIN: First and foremost you were -- her  
19      plans were to move them to the Bomb Squad. And the Bomb  
20      Squad had fought tooth and nail against this unit's  
21      creation, any additional training we had, grant --  
22      anything that I tried to push to further the K-9's  
23      capabilities and our deployment, equal if not more  
24      pushback from the Bomb Squad.

25           So the Bomb Squad already had a failed history with

1       their own dogs. And so the first part was you were  
2       sending them to the Bomb Squad where -- who -- who --

3           SERGEANT JIZMEJIAN: They don't want them.

4           RAYMOND GARVIN: -- they don't like K-9s.

5           SERGEANT JIZMEJIAN: Yeah.

6           RAYMOND GARVIN: And, you know, and -- and  
7 Lieutenant Smith didn't even want the dogs.

8           SERGEANT JIZMEJIAN: Okay.

9           RAYMOND GARVIN: If you were to talk to him --

10          SERGEANT JIZMEJIAN: Okay.

11          RAYMOND GARVIN: -- he was like, "I don't want these  
12 dogs."

13          The other issue was I -- I -- I warned that you were  
14       going to create two different K-9 units. You're going  
15       to create the Bomb Squad side and now the airport side.

16          SERGEANT JIZMEJIAN: Yeah.

17          RAYMOND GARVIN: And there's going to be dissension.  
18       And the Bomb Squad side you're going to create a whole  
19       separate training -- training regimen that's going to be  
20       different because the -- the Air Force side is very  
21       regimented and it's difficult. It's a difficult serve  
22       process.

23          You're going to create that kind of dissension in  
24       the lower quality. And then the final thing was  
25       there's -- I see also an issue is if you move these

1 people into the Bomb Squad, members of the K-9 Unit at  
2 the LAX will probably have a pretty good issue of  
3 saying, hey, that's a competitive process. That needs  
4 to go through employee selection. There needs to be an  
5 advertisement, and everybody needs to be given an equal  
6 opportunity to compete. Because now you're now making  
7 them Bomb Squad K-9s. Because, for example, when a  
8 supervisor at ESD wanted to become a supervisor in K-9  
9 they made them apply.

10 SERGEANT JIZMEJIAN: Uh-huh.

11 RAYMOND GARVIN: Even though they worked the same  
12 division, same rank, the Employee Selection made them  
13 apply and compete. They didn't get the job, so I didn't  
14 see any difference with if you're now going to move  
15 these three arbitrarily to the Bomb Squad, you've now  
16 these other handlers don't have the -- it could create  
17 issues with people down the road.

18 SERGEANT JIZMEJIAN: Okay.

19 RAYMOND GARVIN: Those were -- those were the things  
20 that I was talking about.

21 SERGEANT JIZMEJIAN: Any of your concerns come to  
22 fruition?

23 RAYMOND GARVIN: She completely blew me off. Just  
24 didn't want to hear anything I wanted to say. As far as  
fruition, you'd have to ask the K-9 handlers, you

1 know --

2 SERGEANT JIZMEJIAN: All right.

3 RAYMOND GARVIN: -- if they felt it was fair in --

4 SERGEANT JIZMEJIAN: Yep.

5 RAYMOND GARVIN: -- in those processes.

6 SERGEANT JIZMEJIAN: Okay.

7 RAYMOND GARVIN: But as far as the training, I'm  
8 sure the training has gone down. If you pull their  
9 training records, if they even keep them.

10 SERGEANT JIZMEJIAN: Yeah. All right. Now,  
11 lines -- same page, lines 19 through 26. So moving  
12 these three K-9 teams --

13 RAYMOND GARVIN: Uh-huh.

14 SERGEANT JIZMEJIAN: -- so the -- the other officers  
15 in -- in -- in the K-9 unit, your unit, you're saying  
16 they lost out on overtime because of this move?

17 RAYMOND GARVIN: Yes. And -- and calls in the city  
18 away from the airport. The USC football games were all  
19 cash overtime details that -- we -- we -- in -- all the  
20 K-9s were under one roof we would divide the overtime  
21 equally. We would see that it would equally --

22 SERGEANT JIZMEJIAN: Yeah.

23 RAYMOND GARVIN: By moving these three teams, a lot  
24 of the -- the airport K-9s were now locked out of doing  
25 USC games, Rams games, other details in the city which

1       9s. As opposed to myself. And so I was cut out of  
2 meetings that involved K-9s.

3                     SERGEANT JIZMEJIAN: Okay.

4                     RAYMOND GARVIN: One particular day I'm in my car  
5 and KNX radio comes on and it's DeLuccia on the radio  
6 who's being interviewed as the K-9 spokesman, talking --  
7 and I called the captain on the phone. I go, "Are you  
8 listening? Officer DeLuccia is on the radio speaking  
9 for K-9. That's my job. I'm your OIC." "Oh, well,  
10 Ray" -- I said, "No. I'm -- I'm your lieutenant.  
11 You're humiliating me." And she just brushed me off.  
12 And that was it. It was just --

13                     SERGEANT JIZMEJIAN: So with their move to ESD -- so  
14 the -- -- they would report to the ESD facility,  
15 correct? Not to your facility?

16                     RAYMOND GARVIN: Right.

17                     SERGEANT JIZMEJIAN: Okay. So you were still  
18 their -- their boss?

19                     RAYMOND GARVIN: No. When they moved them, that  
20 was --

21                     SERGEANT JIZMEJIAN: So you're done?

22                     RAYMOND GARVIN: Done.

23                     SERGEANT JIZMEJIAN: Okay. But so your concerns was  
24 DeLuccia was on the radio speaking for bomb K-9?

25                     RAYMOND GARVIN: Yeah.

1 SERGEANT JIZMEJIAN: Okay.

2 RAYMOND GARVIN: So it's -- they had taken a program

3 that I had created --

4 SERGEANT JIZMEJIAN: Yeah.

5 RAYMOND GARVIN: -- that nobody wanted in the

6 Department. That wouldn't have been there without me

7 pushing it and -- and she took it and -- part of the

8 advantage is Officer DeLuccia has made it very clear he

9 wants to be a member of the Bomb Squad.

10 SERGEANT JIZMEJIAN: Uh-huh.

11 RAYMOND GARVIN: He has tried several times. And

12 now she moves him into the Bomb Squad, and she has to

13 move the other two with him because that's the whole

14 unit.

15 SERGEANT JIZMEJIAN: Yeah.

16 RAYMOND GARVIN: And that's a distinct advantage

17 over other people.

18 SERGEANT JIZMEJIAN: Yes, sir. And who became

19 DeLuccia's immediate supervisor after the move?

20 RAYMOND GARVIN: You -- you would have to ask them.

21 I -- I don't know which sergeant he -- he -- who they

22 put him under or --

23 SERGEANT JIZMEJIAN: Okay. All right. So let's go

24 to pages 3 to 4, lines 27 to lines -- line 3.

25 RAYMOND GARVIN: 20. Page 3 line 27 through --

1       okay. Yes.

2       SERGEANT JIZMEJIAN: Was Sauvao close with DeLuccia?

3       RAYMOND GARVIN: I believe so. Because when the  
4       criminal case was being investigated against Sauvao,  
5       DeLuccia intervened and called Officer Hollenbeck on the  
6       phone and was trying to get information about what was  
7       going on. And --

8       SERGEANT JIZMEJIAN: How do you know that?

9       RAYMOND GARVIN: Because Officer Hollenbeck told me.

10      SERGEANT JIZMEJIAN: Okay.

11      RAYMOND GARVIN: And it was reported to Internal  
12     Affairs as part of the -- actually Sergeant Stark  
13     actually Sergeant Stark informed me. Hollenbeck told  
14     Sergeant Stark and Sergeant Stark told me.

15      SERGEANT JIZMEJIAN: And then who told Internal  
16     Affairs that DeLuccia called Hollenbeck during the  
17     course of the investigation?

18      RAYMOND GARVIN: I don't remember. But I think it's  
19     in an e-mail. And it was also -- the captain was made  
20     aware of it also.

21      SERGEANT JIZMEJIAN: Captain Meek.

22      RAYMOND GARVIN: Captain Meek.

23      SERGEANT JIZMEJIAN: Okay. And you're -- you're  
24     certain that information was given to Internal Affairs?

25      RAYMOND GARVIN: Yes.

1 RAYMOND GARVIN: She goes, "Everybody hates you."

2 SERGEANT JIZMEJIAN: Yeah.

3 RAYMOND GARVIN: She said -- she accused me of  
4 throwing things in the office and using profanity.

5 SERGEANT JIZMEJIAN: Physically throwing items?

6 RAYMOND GARVIN: Yes.

7 SERGEANT JIZMEJIAN: Okay.

8 RAYMOND GARVIN: And she just kept reiterating that  
9 everybody hates me.

10 SERGEANT JIZMEJIAN: And then you're saying that  
11 information was presented to you is based on hearsay?

12 RAYMOND GARVIN: Well, I told her I said, "Who's  
13 saying this?"

14 SERGEANT JIZMEJIAN: Okay.

15 RAYMOND GARVIN: Give me -- I mean, how do you  
16 defend yourself against this? What -- and she wouldn't  
17 tell me. And I -- and keep in mind, this is probably  
18 the second conversation we've ever had. And she had  
19 been in command there a month.

20 SERGEANT JIZMEJIAN: Okay.

21 RAYMOND GARVIN: Right? And -- and I said -- I  
22 asked her to see for herself, talk to the prior  
23 captains. I mean, this is not true. Let me know. And  
24 she was just like, "No. No. No."

25 SERGEANT JIZMEJIAN: So her description of your

1 conduct, you're -- you're telling me was not true?

2 RAYMOND GARVIN: Well, I've used profanity in the  
3 work place before.

4 SERGEANT JIZMEJIAN: Okay.

5 RAYMOND GARVIN: I mean, I've used it, you know, a  
6 cuss word.

7 SERGEANT JIZMEJIAN: Right.

8 RAYMOND GARVIN: I don't throw things.

9 SERGEANT JIZMEJIAN: You've never thrown items in --

10 RAYMOND GARVIN: No.

11 SERGEANT JIZMEJIAN: -- in the work place?

12 RAYMOND GARVIN: Not -- no. No. She made it sound  
13 like I was doing it every day, you know. I -- if I toss  
14 a pen onto my desk, am I -- you know, I don't want to be  
15 held here, you know, for lying, if -- I will say I've  
16 thrown a pen on my desk before. Dropped something. I  
17 don't -- I'm not throwing things at people.

18 SERGEANT JIZMEJIAN: Okay.

19 RAYMOND GARVIN: That's how -- that's my  
20 interpretation of what --

21 SERGEANT JIZMEJIAN: Okay.

22 RAYMOND GARVIN: -- she was saying, is that I'm,  
23 like, throwing things against the wall.

24 SERGEANT JIZMEJIAN: So -- so you -- have you thrown  
25 items in anger at work?

1 RAYMOND GARVIN: No.

2 SERGEANT JIZMEJIAN: Like a pen onto the -- onto the

3 desk or --

4 RAYMOND GARVIN: I flipped a pen onto my desk but

5 that's in my own office by myself. I, you know --

6 SERGEANT JIZMEJIAN: Okay.

7 RAYMOND GARVIN: You know.

8 SERGEANT JIZMEJIAN: Out of frustration?

9 RAYMOND GARVIN: Yeah.

10 SERGEANT JIZMEJIAN: Okay.

11 RAYMOND GARVIN: But not -- I mean, what I -- my

12 interpretation what she was saying I'm like -- I'm like

13 launching stuff across the room, erasers or pens or who

14 knows what.

15 SERGEANT JIZMEJIAN: Yes, sir.

16 RAYMOND GARVIN: And I'm stomping around all day and

17 every other word is a cuss word. And --

18 SERGEANT JIZMEJIAN: Yeah.

19 RAYMOND GARVIN: -- that's just not -- that's not

20 it.

21 SERGEANT JIZMEJIAN: Can you tell me why she --

22 she -- I'm calling this a counseling session, would you

23 grow to that word? That term or no?

24 RAYMOND GARVIN: (No audible response)

25 SERGEANT JIZMEJIAN: She counseled you. Is that

1 accurate?

2 RAYMOND GARVIN: I -- I think -- I think counseling  
3 is more of, hey, I've heard of this. What's your side  
4 of it? Let's get to this. Let me do a little research  
5 rather than coming down. This was more of a put on  
6 notice thing.

7 SERGEANT JIZMEJIAN: Okay.

8 RAYMOND GARVIN: To me it wasn't counseling. It was  
9 like, you're doing this and it was a start of a process  
10 that I believe was to get me out of there. I mean --

11 SERGEANT JIZMEJIAN: All right. I'll call it a  
12 conversation. What -- do you know what -- do you have  
13 an opinion as to why she -- she had that conversation  
14 with you?

15 RAYMOND GARVIN: Oh, I think while she was away that  
16 she had been talking to DeLuccia. I think a lot of this  
17 comes from DeLuccia.

18 SERGEANT JIZMEJIAN: Was it retaliation?

19 RAYMOND GARVIN: Well, the things that I reported  
20 earlier that I -- you know, yeah. Well, it was -- you -  
21 - you determine as a Department what label you want to  
22 put on it. But she -- to me, this was exactly what I  
23 had warned the Department I felt was going to happen.

24 SERGEANT JIZMEJIAN: Which is what?

25 RAYMOND GARVIN: That when she came -- if she came

1       in as the captain, that I would be targeted, and I felt  
2       this was the first part. That's why I started taking  
3       notes.

4           SERGEANT JIZMEJIAN: Okay. So what I'm going to  
5       present to you is what -- what -- what I've obtained  
6       from your government claim.

7           RAYMOND GARVIN: Uh-huh.

8           SERGEANT JIZMEJIAN: So I'm going to present it to  
9       you and tell me if it's accurate or not. Sir, are you  
10       alleging that Meek had this discussion or conversation  
11       or put on notice event with you out of retaliation  
12       because of her relationship with DeLuccia and your  
13       friction with DeLuccia?

14           RAYMOND GARVIN: Yes.

15           SERGEANT JIZMEJIAN: Okay.

16           RAYMOND GARVIN: And the -- and the -- the  
17       activities with Sauvao.

18           SERGEANT JIZMEJIAN: Okay. Because you reported  
19       Sauvao's alleged misconduct?

20           RAYMOND GARVIN: Yes, I think it's all -- I think  
21       it's all part of if. I think that's part of the group  
22       that she's close with.

23           SERGEANT JIZMEJIAN: Uh-huh.

24           RAYMOND GARVIN: I think she's been trying to  
25       protect Sauvao.

1 SERGEANT JIZMEJIAN: Okay.

2 RAYMOND GARVIN: During this whole process.

3 SERGEANT JIZMEJIAN: But it's -- so -- because you

4 reported Sauvao's alleged misconduct to her and

5 Internal -- did you report it to --

6 RAYMOND GARVIN: Yeah.

7 SERGEANT JIZMEJIAN: -- Internal Affairs? Okay.

8 RAYMOND GARVIN: I was the one who called.

9 SERGEANT JIZMEJIAN: Did you -- and you reported to

10 her?

11 RAYMOND GARVIN: Yes.

12 SERGEANT JIZMEJIAN: And then her first then IA?

13 RAYMOND GARVIN: Well, her first, she's the captain.

14 SERGEANT JIZMEJIAN: Yeah.

15 RAYMOND GARVIN: Blind side.

16 SERGEANT JIZMEJIAN: So what -- so are you alleging

17 that because you -- you reported to Sauvao's alleged

18 misconduct to Internal Affairs, Meek retaliated --

19 retaliated against you by having this conversation with

20 you?

21 RAYMOND GARVIN: Yes.

22 SERGEANT JIZMEJIAN: Okay. Got it.

23 SERGEANT MOFFITT: Can I just have a follow-up on

24 that? So what does Meek say in this conversation?

25 Because going back to early 2016 you make a

1 RAYMOND GARVIN: -- I mean, like, she values my  
2 opinion. She still may not value my opinion, but it  
3 just so happens that I picked the same person maybe that  
4 she would pick. I don't know, you'd have to ask her  
5 about that.

6 SERGEANT MOFFITT: But what happens in the training  
7 sabotage incident is Hollenbeck is allegedly sabotaged  
8 by Sauvao?

9 RAYMOND GARVIN: Yes.

10 SERGEANT MOFFITT: That's the allegation, correct?

11 RAYMOND GARVIN: Yes.

12 SERGEANT MOFFITT: So I'm just trying to connect the  
13 dot in terms of how does Meek change her position on  
14 this? In terms of by May 6 she's now accusing you of a  
15 variety of workplace missteps. Where do you think she  
16 decides that now you're an enemy to her?

17 RAYMOND GARVIN: I don't know as I sit here. I  
18 mean, I -- I kind of see where you're getting at but I  
19 think you'd have to ask -- you'd have to ask her about  
20 her thoughts and what not. I'm -- I'm telling you what  
21 I experienced and we didn't have conversation, you know.  
22 We -- we used to -- I went to having weekly OIC meetings  
23 with prior captains where a lot was discussed in -- in -  
24 - in, you know, and opinions were taken and it was a  
25 collective effort to -- I was told in that same meeting

1       on -- in May, "stop sending me e-mails. Don't send any  
2       recommendations up to improve the e-mails. Your e-mails  
3       are too long. And you write too many reports" because  
4       I'm -- I would write a lot of stuff and want -- "don't  
5       make any decision unless you contact me."

6       - And basically I was being told to shut up and sit at  
7       the airport. And I was isolated. I've probably -- in  
8       the time that I've worked with her, I could probably  
9       count on one hand how many times I had a personal  
10      interaction with her and met with her. And that's not  
11      normal for an OIC and a captain, you know.

12           SERGEANT MOFFITT: Okay. So May 6 is the first time  
13       she takes her adversarial stance towards you?

14           RAYMOND GARVIN: No. The first time was before she  
15       even came to ESD. She called me on the phone. Like --  
16       like nine days before the transfer effective date.  
17       Never met her before. I've never worked with her. Had  
18       one observation of her at a going away party. She  
19       called me on the phone and says, "I'm taking these three  
20       K-9 teams. I'm moving them to the Bomb Squad." I'm  
21       like, "Hey, well, can we talk about it? I'm your" --  
22       "No." I said, "Well, there's some problems here." "No.  
23       No. No." That was the conversation.

24           She comes in the job. And I think this meeting is a  
25       full month she's on the job the first time I think we

1 have an interaction and it's, "Everybody hates you. I  
2 heard this about. Everybody hates you." And I'm put on  
3 the defensive immediately.

4 SERGEANT JIZMEJIAN: Uh-huh.

5 SERGEANT MOFFITT: Okay. And you had indicated that  
6 you started taking notes, is -- is this -- was this  
7 meeting the catalyst for when you start taking notes,  
8 the May 6 meeting?

9 RAYMOND GARVIN: (No audible response)

10 SERGEANT MOFFITT: Or did it happen before?

11 RAYMOND GARVIN: I -- yeah --

12 SERGEANT MOFFITT: Or after.

13 RAYMOND GARVIN: I've taken notes previously on  
14 other things, but it really started here when I started  
15 taking notes on things that were going on that -- at the  
16 time, you know, that I wanted to, you know, keep my  
17 memory fresh if I needed it down the road.

18 SERGEANT MOFFITT: Okay.

19 SERGEANT JIZMEJIAN: All right. Page 4 line --  
20 lines 21 through 22. The comment card.

21 RAYMOND GARVIN: Yes.

22 SERGEANT JIZMEJIAN: Was that comment card  
23 retaliation?

24 RAYMOND GARVIN: Yeah, I think it is. And it's  
25 inaccurate.

1           SERGEANT JIZMEJIAN: What -- what is it retaliation  
2 for, Lieutenant?

3           RAYMOND GARVIN: Well, for my -- my reporting her  
4 relationship with DeLuccia.

5           SERGEANT JIZMEJIAN: To?

6           RAYMOND GARVIN: And coming forward with those  
7 concerns to the chain of command previously.

8           SERGEANT JIZMEJIAN: How -- how?

9           RAYMOND GARVIN: And you know I think that in and of  
10 itself is potential violations was work place rules and  
11 fair labor and housing, you know, I'm not a lawyer and  
12 don't have all those things, but to me that's what I had  
13 reported.

14           And that -- that was potentially going to happen and  
15 this -- it was coming to fruition before my eyes.

16           SERGEANT JIZMEJIAN: Do you know if she was made  
17 aware by her superiors of your report of their possible  
18 relationship?

19           RAYMOND GARVIN: I don't know.

20           SERGEANT JIZMEJIAN: But that's your opinion?

21           RAYMOND GARVIN: Yes.

22           SERGEANT JIZMEJIAN: Okay. And is there another  
23 reason why she -- she wrote the comment card against you  
24 or to you which -- which another retaliatory reason why?

25           RAYMOND GARVIN: No. It was -- I believe it was in

1 retaliation for me reporting the conflict of interest in  
2 the work place environment issues that I was worried  
3 about.

4 SERGEANT JIZMEJIAN: With her and DeLuccia.

5 RAYMOND GARVIN: With her and DeLuccia.

6 SERGEANT JIZMEJIAN: Okay.

7 RAYMOND GARVIN: And I don't think it helped the  
8 cause that I reported the misconduct that was going on  
9 with Hollenbeck.

10 SERGEANT JIZMEJIAN: Against Hollenbeck.

11 RAYMOND GARVIN: Yeah, that was --

12 SERGEANT JIZMEJIAN: By Sauvao?

13 RAYMOND GARVIN: -- by Sauvao.

14 SERGEANT JIZMEJIAN: Okay. Got it.

15 RAYMOND GARVIN: And, like I said, it's not -- not  
16 an accurate comment card.

17 SERGEANT JIZMEJIAN: Okay. All right. And what is  
18 not accurate about it, sir?

19 RAYMOND GARVIN: (No audible response)

20 SERGEANT JIZMEJIAN: Is -- is -- are your inaccuracy  
21 concerns about the inaccuracies --

22 RAYMOND GARVIN: Yeah, I wrote a response.

23 SERGEANT JIZMEJIAN: -- contained in a response?

24 RAYMOND GARVIN: Yeah. I mean, she -- she drew bits  
25 and pieces of a conversation -- well, the one example I

1       gave you, I -- there was a meeting with myself, her, and  
2       Chief Downing once. And it was a K-9 update that  
3       happened infrequently. And everything was fine. At the  
4       end Chief Downing asked me, "Ray, how -- how's  
5       everything in the unit" or some question. I go, "Oh,  
6       you know, everything's good. You know we can always  
7       work on something." And then he was like, "Specifically  
8       what?"

9           And so to me it -- it -- I kind keyed in that she  
10       had a pre-conversation with him because he down right --  
11       I go, you know, me and Kathryn have had some  
12       conversations and, you know, and, you know, there's  
13       always room from improvement in everything. It was like  
14       that. And then she -- the way I get memorialized in the  
15       comment card, it was like I was agreeing that I had done  
16       some stuff and I would do better not to do it. Now that  
17       absolutely wasn't the case.

18           SERGEANT JIZMEJIAN: Okay. All right. We're going  
19       to get to your meeting with Frank and Sambar.

20           Do you guys mind if we did a five-minute break?

21           ATTORNEY SALUTE: Sure.

22           SERGEANT MOFFITT: Sure.

23           SERGEANT JIZMEJIAN: Okay. All right. The time now  
24       is 11:16 and we're going to go off tape.

25           (Short break)

1       within the chain of command.

2           SERGEANT JIZMEJIAN: Yeah.

3           RAYMOND GARVIN: I didn't want to go to the -- I  
4       didn't want to do all this --

5           SERGEANT JIZMEJIAN: Yeah.

6           RAYMOND GARVIN: -- that we're doing right now. I  
7       wanted to go through the chain of command and say, "this  
8       is what's going on. Let me -- please, just let me do my  
9       job that I've been doing well. And let me continue to  
10      do my job."

11          SERGEANT JIZMEJIAN: Uh-huh.

12          RAYMOND GARVIN: And that was the purpose of doing  
13       it. And -- but when I got in there it was --

14          ATTORNEY SALUTE: Ray, I think if -- if you know the  
15       exact words that were used during the meeting, that's  
16       fine. If you don't remember the exact words --

17          RAYMOND GARVIN: No.

18          ATTORNEY SALUTE: -- then all that they're trying to  
19       get at, I assume, is the gist of the conversation.  
20       Okay.

21          RAYMOND GARVIN: Okay.

22          SERGEANT JIZMEJIAN: Okay. But you -- so did -- did  
23       you tell Frank and Sambar that the three grant-funded K-  
24       9 teams got moved to Bomb Squad because of Meek's  
25       relationship with DeLuccia?

1 RAYMOND GARVIN: Yes.  
2 SERGEANT JIZMEJIAN: You did tell them that?  
3 RAYMOND GARVIN: Yes. And -- and -- and -- and that  
4 it was creating an advantage for them. And the  
5 conflicts with the other K-9 teams that we talked about  
6 today --

7 SERGEANT JIZMEJIAN: And did you explain to them  
8 that because of Meek's alleged relationship with  
9 DeLucchia, you were being retaliated against?  
10 RAYMOND GARVIN: It was very clear to me that they  
11 understood my position was that there was retaliation  
12 taking place.

13 SERGEANT JIZMEJIAN: And what form was that  
14 retaliation taking place as you explained it to them?

15 RAYMOND GARVIN: Well, what I described to them, her  
16 conversation with me. The comment card that I was there  
17 to discuss.

18 SERGEANT JIZMEJIAN: So you -- you made it clear  
19 that the conversation, that comment card were  
20 retaliation?

21 RAYMOND GARVIN: Yes.

22 SERGEANT JIZMEJIAN: Okay.

23 RAYMOND GARVIN: And the isolation, the cancellation  
24 of the meetings --

25 SERGEANT JIZMEJIAN: Okay.

1 RAYMOND GARVIN: -- taking away the grant funding.

2 I mean, all the things --

3 SERGEANT JIZMEJIAN: The three teams.

4 RAYMOND GARVIN: Yes, everything that we -- that we  
5 talked about here today.

6 SERGEANT JIZMEJIAN: Okay. Got it. All right. So  
7 in your opinion, were you -- were you reporting  
8 misconduct to -- to Frank and Sambar?

9 RAYMOND GARVIN: Well, at that point I think they  
10 should -- well, you'd have to -- they should draw the  
11 conclusion.

12 SERGEANT JIZMEJIAN: No. But, Lieutenant, I mean,  
13 in your mind were you reporting misconduct to Commander  
14 Frank and Captain Sambar?

15 RAYMOND GARVIN: Well, yeah, I think if I -- I think  
16 if the same circumstances, if someone comes to me and  
17 lays that same set of circumstance out, I'm going to  
18 document something. I'm going to put it --

19 SERGEANT JIZMEJIAN: Yes, sir.

20 RAYMOND GARVIN: -- I'm going to, you know, I'm  
21 going to take a 128.

22 SERGEANT JIZMEJIAN: Yeah. Well, let me ask you  
23 this, is retaliation misconduct?

24 RAYMOND GARVIN: Yes.

25 SERGEANT JIZMEJIAN: Okay. So were you reporting

1 retaliation?

2 RAYMOND GARVIN: Yes.

3 SERGEANT JIZMEJIAN: Okay. So were you reporting  
4 misconduct?

5 RAYMOND GARVIN: Yes.

6 SERGEANT JIZMEJIAN: Okay.

7 RAYMOND GARVIN: That's misconduct.

8 SERGEANT JIZMEJIAN: Yes, sir. All right. Did you  
9 tell Frank and -- and Sambar about Sauvao's -- about  
10 Meek's refusal to move Sauvao?

11 RAYMOND GARVIN: Yes. I had -- I had told Frank, I  
12 said, "You know, I had asked early on for this and --  
13 and Meek told me you didn't want to do it because you  
14 didn't want to give him a better job or whatever, some  
15 advantage."

16 And he goes, "I never said that. She never asked me  
17 about that." And I'm like, "Well, this is what she's  
18 told me."

19 SERGEANT JIZMEJIAN: Okay. All right. Sir, page 5  
20 lines 12 through 14.

21 RAYMOND GARVIN: Page 5, right?

22 SERGEANT JIZMEJIAN: Yeah.

23 RAYMOND GARVIN: Yeah. Yeah.

24 SERGEANT JIZMEJIAN: Okay.

25 ATTORNEY SALUTE: That's what we talked -- you

1 unit.

2 So it's -- I don't know, I mean, you could say --

3 RAYMOND GARVIN: She made it very clear she wanted  
4 me out. She was -- she was fishing for complaints --

5 SERGEANT JIZMEJIAN: Yeah.

6 RAYMOND GARVIN: -- against me all along. They  
7 merely --

8 SERGEANT JIZMEJIAN: Yeah.

9 RAYMOND GARVIN: -- helped her with it.

10 SERGEANT JIZMEJIAN: Did -- so we're kind of getting  
11 off track -- but I -- I can't leave this loose end.

12 So you're alleging Sauvao retaliated against you  
13 by -- by alleging misconduct?

14 RAYMOND GARVIN: Yes. I mean, they're --

15 SERGEANT JIZMEJIAN: (Inaudible)

16 RAYMOND GARVIN: (Inaudible)

17 ATTORNEY SALUTE: He and other officers.

18 RAYMOND GARVIN: He and others that made up --

19 SERGEANT JIZMEJIAN: Well --

20 RAYMOND GARVIN: Well, whoever made allegations  
21 against me, you know, I know when I was interviewed, I  
22 wasn't told "this officer has said" --

23 SERGEANT JIZMEJIAN: Oh, okay.

24 RAYMOND GARVIN: -- "this on this date and time."

25 It was all very --

1 SERGEANT JIZMEJIAN: So who -- who --  
2 RAYMOND GARVIN: Have you ever done this? Have you  
3 ever seen that? So I don't know exactly --  
4 SERGEANT JIZMEJIAN: Yeah.  
5 RAYMOND GARVIN: -- what the specific allegations  
6 are against me, other than "have you ever called this  
7 person this name?"  
8 SERGEANT JIZMEJIAN: But you do know they're lies?  
9 RAYMOND GARVIN: Yeah. Absolutely.  
10 SERGEANT JIZMEJIAN: And people that are -- that  
11 told these lies to Internal Affairs, those are the  
12 individuals that are retaliating against you?  
13 RAYMOND GARVIN: Yes.  
14 SERGEANT JIZMEJIAN: Okay. Got it. Okay. So let's  
15 get back on -- onto this government claim.

16 Okay. So you get transferred and then you -- you  
17 get stripped of your coveted position. So you're saying  
18 that's retaliation by Meek?  
19 RAYMOND GARVIN: Meek and the Department, you know.

20 SERGEANT JIZMEJIAN: Okay. And what about the  
21 downgrade? Is -- is --

22 RAYMOND GARVIN: Same thing. Meek and the whole  
23 Department, yeah.

24 SERGEANT JIZMEJIAN: Okay. For the reasons why  
25 we've already discussed. Okay. I've got nothing

1 further.

2 Lieutenant, is there something you want to add?

3 RAYMOND GARVIN: Just I want to make sure that, I  
4 think we're pretty clear on the record, that the  
5 allegations that were made against me all came after I  
6 had reported misconduct and possible criminal  
7 allegations.

8 SERGEANT JIZMEJIAN: Against Sauvao?

9 RAYMOND GARVIN: Brought to my attention. Yeah.

10 SERGEANT JIZMEJIAN: All right.

11 RAYMOND GARVIN: And that Officer Sauvao and the  
12 others who I say had made allegations against me as a  
13 result of his criminal case, they failed to report --  
14 they were bringing up stuff in my interviews that was,  
15 like, three years old.

16 SERGEANT JIZMEJIAN: Well, let me ask you this --

17 RAYMOND GARVIN: And I'm like --

18 SERGEANT JIZMEJIAN: -- when you got interviewed by  
19 Internal Affairs, during that interview for that -- for  
20 your complaint --

21 RAYMOND GARVIN: Yeah.

22 SERGEANT JIZMEJIAN: -- did you explain all this to  
23 the IO?

24 RAYMOND GARVIN: I don't know this exactly -- I  
25 mean, they asked me, "What do you, you know, what was

1 SERGEANT JIZMEJIAN: Okay. I'm going to go off  
2 tape. It's 12:09 hours.

3 ATTORNEY SALUTE: Yeah.

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1 STATE OF CALIFORNIA )  
2 ) SS.  
3 COUNTY OF ORANGE )  
4

5 I, Nanette Jensen, a transcriber for  
6 Lynden J. And Associates, Inc., do hereby certify:

7 That said proceedings were listened to by me  
8 and were transcribed into typewriting under my direction  
9 and supervision; and I hereby certify that the foregoing  
10 transcript of the proceedings is a full, true, and  
11 correct transcript to the best of my ability.

12 I further certify that I am neither  
13 counsel for nor related to any party to said action,  
14 not in anywise interested in the outcome  
15 thereof.

16 In witness whereof, I have hereunto  
17 subscribed my name this 15<sup>th</sup> day of April, 2019.

18

19

20

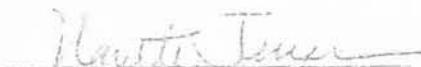
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Nanette Jensen  
CSR No.: 9066

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# Exhibit F

## Declaration of Kathryn Meek

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7 **FEE EXEMPT – GOV. CODE § 6103**

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10  
11 RAYMOND GARVIN, ) Case No.: BC 694158  
12 Plaintiff, ) Assigned to: Judge Stephanie M. Bowick  
13 ) Department: 19  
14 vs. )  
15 ) Action Filed: February 9, 2018  
16 CITY OF LOS ANGELES, and DOES 1 through )  
100, inclusive, ) DECLARATION OF KATHRYN MEEK IN  
17 Defendants. ) SUPPORT OF DEFENDANT'S MOTION  
18 ) FOR SUMMARY JUDGMENT OR, IN THE  
19 ) ALTERNATIVE, SUMMARY  
20 ) ADJUDICATION OF THE ISSUES  
21 )  
22 ) [Filed concurrently with Notice of Motion,  
23 ) Memorandum of Points and Authorities,  
24 ) Separate Statement of Undisputed Material  
25 ) Facts, Request for Judicial Notice, Declarations  
26 ) and Exhibits in Support Thereof, and Proposed  
27 ) Order]  
28 ) Date: July 11, 2019  
Date: July 11, 2019  
Time: 8:30 a.m.  
Dept.: 19  
RESERVATION ID: 842634280718

1  
27  
28 ///

1 I, Kathryn Meek, declare as follows:

2 1. I am currently a sworn peace officer working in the Los Angeles Police Department  
3 ("LAPD"). I have worked in the LAPD for 32 years. I currently hold the rank of Captain III and serve  
4 the City of Los Angeles ("City") as the commanding officer of the LAPD's Emergency Services  
5 Division ("ESD"), a position that I have held since March of 2016. I have personal knowledge of the  
6 facts stated herein and, if called to testify, could and would competently testify thereto.

7 2. As the commanding officer of the ESD, my duties and responsibilities involve overseeing  
8 and directing the LAPD's mission in the prevention and mitigation of threats to public safety from  
9 sources such as criminal activity, terrorism, and natural disaster. The ESD accomplishes its mission  
10 through threat assessment, detection, deterrence, and rapid response. Part of that mission includes the  
11 detection and removal of hazardous devices and materials, such as explosive devices. At the time I took  
12 command, the ESD had two sections designated for this task. One of those sections was the Bomb  
13 Detection Canine Section (or "BDCS") which served the Los Angeles International Airport ("LAX")  
14 and the greater City and the other section was the Hazardous Devices and Materials Section (or "Bomb  
15 Squad/HAZMAT"). The BDCS deploys Explosive Detection K-9 Handlers (or bomb canine handlers)  
16 and specially trained bomb detection dogs to conduct searches for explosives and explosive devices. I  
17 am responsible for overseeing and directing the operations of the entire division; directing the activities  
18 of the officers assigned to the division and participating in the recruitment, selections, promotions,  
19 training, discipline, deployment, background investigation; and maintaining personnel records.

20 3. The BDCS is considered a "coveted" assignment within the department that entitles  
21 sworn officers an advanced paygrade and bonus pay for participating in hazardous duties. As a matter  
22 of department policy, a sworn employee assigned to the BDCS is only entitled to receive this bonus  
23 while working in a coveted assignment and will no longer qualify to receive such bonus once the  
24 employee transfers or is reassigned to a non-coveted assignment.

25 4. While the commanding officer of the ESD, I supervised Lieutenant Raymond Garvin  
26 between March 20, 2016 and July 9, 2017. At the time, I had two lieutenants who reported directly to  
27 me, which included Garvin. Each lieutenant was assigned as the officer-in-charge ("OIC") of one of the  
28 two sections that comprised ESD. At the time, Garvin supervised BDCS which was and still is based

1 out of our LAX location. Garvin's duties and responsibilities at the time included, but were not limited  
2 to overseeing and directing the operations and deployment of the department's bomb canine handlers at  
3 LAX and the greater City. I know that Garvin was the lieutenant of BDCS for a number of years before  
4 I arrived as the captain. Before becoming ESD's captain, I never had the opportunity to work with  
5 Garvin and did not know him other than seeing him briefly in passing at BDCS functions.

6 5. After learning of my assignment to command the ESD and prior to taking command, I  
7 recommended to Deputy Chief Horace Frank about reassigning the City's Bomb Detection Canine  
8 teams working specifically in conjunction with the Bomb Squad serving the greater City ("City teams"),  
9 from Garvin's responsibility to Lieutenant Richard Smith's responsibility, who was the OIC of Bomb  
10 Squad/HAZMAT. At the time, there were two types of Bomb Canine teams – one group supported the  
11 federal Transportation Safety Administration in providing bomb canine detection capabilities at LAX  
12 and the other group, i.e. the City teams, supported the Bomb Squad in servicing the rest of the City. My  
13 recommendation was based on the fact that the City teams operated and were managed by the Bomb  
14 Squad personnel with the specific mission to support the Bomb Squad.

15 6. On or around April 24, 2016, I received a call from Garvin who advised me about an  
16 incident involving a BDCS employee who allegedly tampered with an evaluation of another BDCS  
17 handler and his dog. Garvin reported that the initial report was relayed by the BDCS handler who  
18 suspected the tampering to Sergeant Deanna Stark, one of the BDCS sergeant supervisors, who then  
19 reported the matter to Garvin. Based on the report, I discussed with Garvin about reporting the incident  
20 to the LAPD's Internal Affairs Group to initiate an investigation. In accordance with the LAPD's  
21 Management Rules and Procedures, Garvin then reported the incident to Internal Affairs (LAPD  
22 Department Manual, Volume 3 Section 813.05). A true and correct copy of Department Manual section  
23 813.05 is attached hereto and incorporated herein by reference as **Exhibit 1**, which is also publicly  
24 available online at [http://www.lapdonline.org/lapd\\_manual/](http://www.lapdonline.org/lapd_manual/).

25 7. By May of 2016, I had the opportunity work with and observe Garvin's work as a  
26 supervisor. During that time, I learned and took note of the following concerns. First, Garvin began  
27 drafting policy changes and new programs altering BDCS's overall mission without first consulting me.  
28 Not only was this not his responsibility but mine, his changes threatened to disrupt the standard  
operating procedures of the BDCS thereby detrimentally impacting its overall effectiveness to carry out

1 its primary mission which was to detect and handle suspected explosive devices. Second, I heard that  
2 Garvin lacked strong interpersonal and communication skills necessary for him to relate and  
3 communicate well with his subordinates. I heard from several of Garvin's subordinates that he often  
4 used profanity and abusive language while at work and bullied his employees. I also heard that Garvin  
5 was not a visible supervisor. He did not make himself available or accessible to his subordinates out in  
6 the field to lend his supervision, assistance, or guidance, opting instead to remain in the LAX office. As  
7 a result, I learned that BDCS suffered from low morale which concerned me as a supervisor since I was  
8 responsible for overseeing and ensuring unit's overall readiness and effectiveness to handle and respond  
9 to emergency calls dealing with extremely high risk and dangerous situations. Because of this concern,  
10 on or about May 6, 2016, I met with Garvin to discuss the forgoing issues and expectations regarding his  
11 duties and assignment with the BDCS. I memorialized our meeting and discussion in the form of an  
12 Employee Comment Sheet signed and dated by me on June 16, 2016. A true and correct copy of the  
13 Employee Comment Sheet is attached hereto and incorporated herein by reference as **Exhibit 2**. In our  
14 initial meeting, Garvin acknowledged that he would discuss with me any ideas about changes to Bomb  
15 K-9. In later meetings, Garvin acknowledged his need to work on his interpersonal skills, empowering  
16 his supervisors, responding to scenes and assuming command, and not micromanaging his supervisors.

17       8.     As further example of Garvin's attempt to implement new procedures without consulting  
18 me even after his counseling, Garvin later decided unilaterally to assign traffic citation books to his  
19 bomb canine handlers so that they could perform traffic enforcement, which was not a BDCS duty.  
20 Garvin's decision distracted from BDCS's main mission dealing with only handling and mitigating  
21 bomb threats – not motorists violating traffic laws. As a commanding officer familiar with the  
22 department's structure and organization, I know that the department has separate traffic enforcement  
23 officers specifically trained and assigned to the task of traffic enforcement.

24       9.     On February 8, 2017, I received a personnel complaint from Officer Alberto Franco, a  
25 bomb canine detection handler supervised by Garvin, alleging that Garvin had created a hostile work  
26 environment in BDCS. Based on the complaint, I reported the matter to the LAPD's Internal Affairs  
27 Group, which initiated an investigation. A true and correct copy of the Internal Affairs Complaint Form,  
28 Case No. CF 17-000419, is attached hereto and incorporated herein by reference as **Exhibit 3**. The  
complaint alleged Garvin made several inappropriate, offensive, and racially charged remarks towards

1 his bomb detection canine handlers. After completion of the investigation, Garvin was alleged to have  
2 done the following:

3 Allegation #1: Garvin said in reference to Officer Mark Sauvao (whom I am informed and  
4 believe is of Polynesian descent), “Fuck that motherfucker! I can’t believe he did that to me, that  
5 pineapple head. He fucked up my deployment!”

6 Allegation #2: Garvin said in reference to Officer Joseph Getherall (whom I am informed and  
7 believe is of Asian descent), “That little Jap embarrassed our unit.”

8 Allegation #3: Garvin called Officer Alberto Franco a “motherfucker.”

9 Allegation #4: Garvin stated to Franco “Now you can be my Jose in your new truck and come  
10 mow my lawn.”

11 Allegation #5: Garvin said in reference to Officer Leslie Salinas (whom I am informed and  
12 believe is of Hispanic descent), who was pregnant, “You know how Mexican women are. She’s  
13 probably going to have another one.”

14 Allegation #6: Garvin created a hostile work environment such that Salinas was afraid to become  
15 pregnant again in fear of retaliation.

16 True and correct redacted copies of the Complaint Adjudication Form, investigation report, and  
17 Letter of Transmittal identifying the allegations and adjudication are attached hereto and incorporated  
18 herein by reference collectively as **Exhibit 8**.

19 10. Because of the nature and seriousness of the allegations of misconduct against Garvin as  
20 a supervisor, Garvin was reassigned to non-supervisory duties and loaned to a different work location  
21 supporting the World Police and Fire Games during the pending investigation and until further notice in  
22 accordance with department policy. The reassignment was necessary in order to allow time for the  
23 workplace investigation to take place while ensuring separation between Garvin and the complainants to  
24 avoid any potential conflicts between the parties. A true and correct copy of the March 2, 2017  
25 Interdepartmental Correspondence regarding his assignment to non-supervisory duties and reassignment  
26 are attached hereto and incorporated herein by reference as **Exhibit 4** and **Exhibit 5**, respectively. I  
27 learned that the department’s Employee Relations Group (“ERG”), which manages the human resources  
28 in the department, recommended and agreed with the reassignment. A true and correct copy of ERG’s  
recommendation which I reviewed is attached hereto and incorporated herein by reference as **Exhibit 6**.

1 In conjunction with the reassignment, Garvin's paygrade status also changed based on his failure or  
2 inability to satisfactorily perform the duties of his advanced paygrade position. A true and correct copy  
3 of the paygrade change form which I signed is attached hereto and incorporated herein by reference as  
4 **Exhibit 7.**

5 11. When the investigation of Case No. CF 17-000419 completed, I was responsible, as the  
6 division's commanding officer, for reviewing Internal Affairs' final investigation report and  
7 adjudicating the merits of the allegations of misconduct against Garvin. Based on my review of the  
8 report, I determined that Allegations #1, 2, 4, and 5 were "Not Resolved" and Allegations #3 and 6 were  
9 "Unfounded" against Garvin. Based on my knowledge of the LAPD's complaint investigation  
10 procedure and experience as a commanding officer having reviewed and adjudicated numerous  
11 investigations against police officers, I know that the term "Not Resolved" means that the investigation  
12 did not disclose sufficient evidence to prove or disprove the allegations made and "Unfounded" means  
13 that the investigation disclosed the absence of evidence of the alleged misconduct. Based on my review  
14 of the investigation, I did not sustain or find that Garvin committed any of the alleged misconduct. True  
15 and correct redacted copies of the Complaint Adjudication Form, investigation report, and Letter of  
16 Transmittal explaining my rationale for my findings is attached hereto and incorporated herein by  
17 reference collectively as **Exhibit 8.**

18 12. On March 4, 2017, I received another personnel complaint against Garvin. Officer  
19 Sauvao, another bomb detection canine handler, complained Garvin acted and remarked inappropriately  
20 in Sauvao's presence. Based on the complaint, I again reported the matter to the Internal Affairs Group,  
21 which initiated an investigation. A true and correct copy of the Internal Affairs Complaint Form, Case  
22 No. CF 17-000614, is attached hereto and incorporated herein by reference as **Exhibit 9.** At the  
23 completion of the investigation, Garvin was alleged to have done the following:

24 Allegation #1: Garvin failed take appropriate action when Garvin heard another department  
25 employee make inappropriate remarks toward Sauvao.

26 Allegation #2: Garvin made an inappropriate remark towards Sauvao.

27 Allegation #3: Garvin denied Sauvao his right to representation during a vehicle search of  
28 Sauvao's City-owned vehicle during an administrative investigation.

True and correct redacted copies of the Complaint Adjudication Form, investigation report, and Letter of Transmittal identifying the allegations and adjudication are attached hereto and incorporated herein by reference collectively as **Exhibit 10**.

4       13. When the investigation of Case No. CF 17-000614 completed, I was responsible for  
5 reviewing Internal Affairs' final investigation report and adjudicating the merits of the allegations of  
6 misconduct against Garvin. Based on my review of the report, I determined that Allegations #1 was  
7 "Not Resolved" and Allegations #3 and 6 did not rise to the level of misconduct. True and correct  
8 redacted copies of the Complaint Adjudication Form, investigation report, and Letter of Transmittal  
9 explaining my rationale for my findings is attached hereto and incorporated herein by reference  
10 collectively as **Exhibit 10**.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
12 true and correct.

13 Executed this 11 day of April, 2019, at Los Angeles, California.

Kathryn Meek 201

## **EXHIBIT 1**

**763.72 REASSIGNMENT OF LIEUTENANTS AND ABOVE.** The Chief of Police is authorized to advance or reassign officers in the paygrade positions of Lieutenant I through Deputy Chief II within their respective classes, based upon the immediate needs and the best interests of the Department. When the needs or best interests of the Department dictate the reassignment to a lower paygrade of an officer holding one of these advanced paygrade positions, the officer shall be given ten days notice prior to such reassignment.

**Exception:** When captains are reassigned to a lower paygrade position, they shall be given a 15-day notice or one day for every year of completed service, whichever is greater, up to a maximum of 30 days notice.

### **813. INITIAL ACTION ♦ COMPLAINTS AND COMPLAINTS OF MISCONDUCT.**

**813.05 EMPLOYEE♦S RESPONSIBILITY.** When an employee becomes aware of possible misconduct by another Department employee, the employee shall immediately report the incident to a supervisor and/or directly to Internal Affairs Group (IAG). This requirement applies to all employees, including supervisory personnel and managers (the rank of captain or above), who learn of possible misconduct through the review of an employee♦s work. Generally, the supervisor accepting the complaint shall initiate the Complaint Form. Only supervisors shall initiate Complaint Forms.

## **EXHIBIT 2**

## EMPLOYEE COMMENT SHEET

Employee Garvin, Raymond

Serial # 26378

Division ESD

Period Covered: From \_\_\_\_\_

05-06-16

To \_\_\_\_\_

06-10-16

NOTE: Employees may provide a written response to any comment within 30 days after reviewing the comment.

Incident Date	Comment	Spvr Commenting	Emp Init	Review Spvr & Date
06-15-16	<p>On May 6, 2016, we met and discussed a variety of topics, issues and expectations regarding your duties and assignment at Bomb Detection K9 Section.</p> <p>I expect you to discuss with me any new procedures or programs you want to implement at BDK9 section, or prior to drafting any related documents. Your time could be used more productivley and these actions can have an impact and implications on other sections within ESD, which need to be considered.</p> <p>It is the Department's expectation that all employees be treated respectfully, with fairness, and provided equal access to assignments and training opportunities. The workplace must be free of demeaning, verbally abusive, threatening and bullying behavior. I expect that as a Section OIC you will ensure the work environment meets this standard, and that you will take corrective action if it is not.</p> <p>I expect you to be an active supervisor - available to your personnel, in the office and in the field, yet allow your field supervisors to engage in making decisions based on the situation and the best information they have available. It is your responsibility as a Section OIC to develop your supervisory personnel, evaluate their field performance and foster an environment where your field personnel feel they can rely on their supervisors to make operational and day-to-day routine decisions. This will promote section unity, encourage employees, boost morale and provide you with additional insight to identify potential problem situations early on.</p> <p>During our discussion on May 6th:</p> <p>*You stated that in the future you would discuss with me any ideas you have related to changes within BDK9 Section prior to taking any action.</p>	<p>Capt KM Meek 24002</p> <p><i>Sgt</i> <i>SOMBA</i> <i>6-16-16</i> <i>1450 hrs</i> <i>PRESNT DURING</i> <i>SERVICES OF C. C.</i></p>		

# EMPLOYEE COMMENT SHEET

Employee Garvin, Raymond

Serial # 26378

Division ESD

Period Covered: From \_\_\_\_\_

05-06-16

To \_\_\_\_\_

06-10-16

NOTE: Employees may provide a written response to any comment within 30 days after reviewing the comment.

Incident Date	Comment	Spvr Commenting	Emp Init	Review Spvr & Date
06-15-16	<p>continued..</p> <p>*You stated that you did not believe you have displayed disrespectful or inequitable behavior in the past. We discussed this issue again on May 24th. In a routine meeting with Chief Downing on June 8, 2016, you acknowledged that we had had discussions on this topic and stated you recognized that you could work on your interpersonal skills, and would make an effort to do so.</p> <p>*You stated that you understood the need to empower your supervisors. You further acknowledged that a field supervisor at scene was in the best position to make operational decisions. If you intend to oversee a tactical or field operation you will respond to the scene and assume command. We had additional discussion about this topic on May 24th. In the June 8, 2016, meeting with Chief Downing, you acknowledged that we had these discussions and stated that you were working on not "micromanaging" your supervisors.</p> <p>06-16-16 Lt Garvin respectfully declined to initial the Employee Comment Sheet. Stated he may or may not submit a response. Captain Samboor present.</p>	KMMeek 24002		VMeek 24002 06-16-16

01 77 00 (12/92)

VMeek 24002

Def Production-Garvin 24  
City's MSJ Compendium p. 179

## **EXHIBIT 3**

## Los Angeles Police Department

## Complaint Review Report

## COMPLAINT FORM

Statute Date: 02/08/2018

Investigative Complexity:

Masked: No

CF No.: 17-000419

## Complainant(s)

Name: Department

Masked: No  
Residential  
Address:

DOB:

Gender/Descent:

Language:

Subj of Incident:

Injury:

Source: Department

Arrested:

Method:

Verbal (in person)

Booking No.:

Identification:

Phone:

## Date and Location of Occurrence

RD / Area Division:

Beginning/End Date:

Begin/End Time:

Cross Street 1:

Cross Street 2:

Address: California

## Accused Employee(s)

Name: Garvin, Raymond - 26378 Unknown Masked:

No

DOB: 7/17/1966

Business Address: 6065 West Imperial Highway  
Los Angeles California 90045

Gender/Descent: Male / CAU

*PSTB*

Length of Service: Years Months Days

Assignment:

Injury: None

Duty Status: On Duty

Arrested: No

Phone: Business (424) 646-6611

Booking No.:

## Involved Person(s)

Name: SALINAS, LESLIE

Masked: No

Involved Person Type: Sworn Employee Witness

Business Address: 6065 West Imperial Highway  
Los Angeles California 90045

DOB: 01/12/1980

Subject of Incident:

Gender/Descent: Female / HIS

Phone: Business (424) 646-6611

Identification:

Name: FRANCO, ALBERTO

Masked: No

Involved Person Type: Sworn Employee Witness

Business Address: 6065 West Imperial Highway  
Los Angeles California 90045

DOB: 09/27/1973

Subject of Incident:

Gender/Descent: Male / HIS

Phone: Business (424) 646-6611

Identification:

## Brief Summary

Reported to Univ:

Uninvolved

Meek, Kathryn - 24002, CAPT 3

Supervisor: 02/08/2017

Supervisor

ESD

Recorded By: Salinaz, Michael - 25916, SGT 2

Name:

Salinaz, Michael - 25916, SGT 2

FSD HDMS BOMB SQUAD

Preliminary

FSD HDMS BOMB SQUAD

IAG CLASS: Internal Affairs Group

Investigator

None

Cross Reference:

Supervisor Reviewing Serial No:

Area/Division:

Complaint Type:

Discrepancy

Own Investigation

IAG ADD WIS

Final Review

Yes

Statute Date: 02/08/2018

**COMPLAINT FORM**

Masked: No

CF No.: 17-000419

## Preliminary Investigative Narrative:

**INVOLVED PARTIES**

Lt II+II Raymond Garvin, Serial No. 26378, Officer in Charge, Bomb Detection K9 Section, Emergency Services Division

Police Officer III+III Alberto Franco, Serial No. 32540, Bomb Detection K9 Section, Emergency Services Division

Police Officer III+III Leslie Salinas, Serial No. 36652, Bomb Detection K9 Section, Emergency Services Division

The following issues were reported to Captain III Kathryn Meek, Serial No. 24002, Commanding Officer, Emergency Services Division:

1. On or about early February 2017, Lt Raymond Garvin made an INAPPROPRIATE COMMENT to Franco when he called Franco a "mother fucker" while discussing Franco's recent K9 certification.

Reported to Captain Meek on February 8, 2017

2. On an unknown date and time, Lt Garvin made INAPPROPRIATE COMMENTS to Officer Franco when he asked Franco if Officer Salinas was going to have another child and stated, "You know how Mexican girls are."

Reported to Captain Meek on February 8, 2017

3. On an unknown date and time, Lt Garvin made comments to other members of the Bomb Detection K9 Section relative to when Salinas was coming back to work from her bonding leave. Garvin went on to state that due to Salinas being on bonding it was hurting his deployment. Officer Salinas intends on having additional children.

Reported to Captain Meek on February 17, 2017

4. On February 8, 2017, Salinas expressed to Captain Meek that she wants to have additional children, but is in fear of doing so. Salinas believes that Lt Garvin may retaliate against her by taking her job or K9 if she becomes pregnant again. Similar to when Garvin took Salinas' K9 when she was off on bonding previously.

Reported to Captain Meek on February 17, 2017

Lt Garvin has created a hostile and intolerable work environment within the Bomb Detection K9 Section.

Los Angeles Police Department

Complaint Review Report

Statute Date: 02/08/2018

**COMPLAINT FORM**

Masked: No

CF No.: 17-000419

Statute Date: 02/08/2018

## COMPLAINT FORM

Masked: No

CF No.: 17-000419

<input type="checkbox"/> PTC	CR No.	Date of Traffic Collision	Fleet Safety History (Prior PTCs)
			Last 5 Years      Career
<input type="checkbox"/> FTA	Incident Date	Report Case No.	FTA History (Sustained Only)
			Last 5 Years      Career
<input type="checkbox"/> FTO	Qualification Month / Year	Reason	FTD History (Sustained Only)
		Forgot <input type="checkbox"/> Shot and Failed <input type="checkbox"/>	Last 5 Years      Career

 Disciplinary

Non-Disciplinary (Check the applicable box below)

POLICY/PROCEDURE - The facts of the case revealed that the complaint relates to Department policy/procedure and not to a specific employee's actions

EMPLOYEE'S ACTIONS DID NOT RISE TO THE LEVEL OF MISCONDUCT - A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure

EMPLOYEE'S ACTIONS COULD HAVE BEEN DIFFERENT - The facts in the complaint revealed the employee's actions could have been different. However, the employee's act or omission is best addressed through corrective action by the employee's commanding officer. The corrective action(s) taken was: (Check all that apply)

COUNSELING  
 TRAINING  
 COMMENT CARD  
 NOTICE TO CORRECT DEFICIENCIES  
 REFERRAL

DEMONSTRABLY FALSE - The complaint was demonstrably false, or, demonstrates an irrational thought process and was consistent with the complainant's established pattern of making chronic or crank complaints

DEPARTMENT EMPLOYEE(S) NOT INVOLVED - The preliminary investigation revealed that the complaint did not involve Department employee(s)

RESOLVED THROUGH ALTERNATIVE COMPLAINT RESOLUTION (ACR) - The complainant and the employee(s) resolved the complaint through ACR

ARMED DIVISION COMMANDING OFFICER	APPROVED	REFERRED FOR DISCIPLINARY CONSIDERATION	INVESTIGATOR	CONCUR	DO NOT CONCUR
LAWRENCE FRANK	APR 12 2018		HONORABLE FRANK D. HARRIS	FRANK D. HARRIS	CTSOB
WILLIAM H. HARRIS	APR 12 2018		HONORABLE ERIC L. HARRIS	ERIC L. HARRIS	2/5/18
					75958

## **EXHIBIT 4**

INTRADEPARTMENTAL CORRESPONDENCE

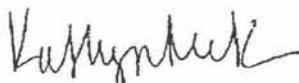
March 2, 2017

15.2

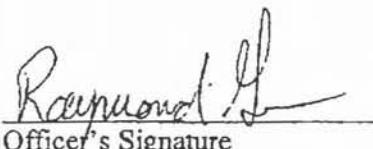
TO: Lieutenant II Raymond Garvin, Serial No. 26378  
FROM: Commanding Officer, Emergency Services Division  
SUBJECT: ASSIGNMENT TO NON-SUPERVISORY DUTIES

The Department has initiated a Personnel Complaint Investigation alleging your involvement in misconduct. This investigation is being conducted by Professional Standards Bureau and the extent of the seriousness of the alleged misconduct has not yet been determined. You are hereby ordered that, until further notice, you are not to perform any supervisory functions in the course of your daily duties. During this time you will be reassigned to a position that will not require you to perform any supervisory duties. You will be notified when you are able to resume supervisory duties.

This order is in effect upon personal service of this correspondence to you and is based on the authority of the Chief of Police.

  
KATHRYN MEEK, Captain  
Commanding Officer  
Emergency Services Division

I have read the above and understand that I have been given a direct order to not perform any supervisory duties until such time that I am directed to again resume performing supervisory duties. I understand that failure to comply with this order will be deemed as insubordination and may result in discipline, including discharge from my position as a police officer with the Los Angeles Police Department.

  
Raymond Garvin  
Officer's Signature

3/9/17  
Date

INTRADEPARTMENTAL CORRESPONDENCE

March 2, 2017

15.2

**TO:** Director, Office of Administrative Services

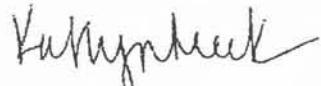
**FROM:** Commanding Officer, Emergency Services Division

**SUBJECT:** REQUEST FOR REASSIGNMENT OF LIEUTENANT II RAYMOND GARVIN, SERIAL NO. 26378, EMERGENCY SERVICES DIVISION

It is requested that Lieutenant II Raymond Garvin, Serial No. 26378, be reassigned from his position as a Lieutenant II to a Lieutenant I and that he be reassigned from Emergency Services Division, in accordance with Department Manual Section 3/763.72. This reassignment is based upon the immediate needs and best interests of the Department due to the fact that Lieutenant Garvin is the subject of a personnel complaint involving a hostile work environment, CF No. 17-000419. Specifically, it is alleged Lieutenant Garvin yelled at and made inappropriate comments to subordinates.

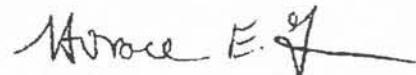
I met with Lieutenant Garvin and discussed this reassignment and the reasons with him. Lieutenant Garvin agrees/disagrees with the proposed action. I advised Lieutenant Garvin on March 9, 2017, on his right to provide a written response to the proposed personnel action within 30 days. No response was received — OR — His written response is attached.

This request was discussed with Detective Candice Guzman, Serial No. 31898, Employee Relations Group, on February 17, 2017. If you have any questions, please contact me at (323) 342-4267.



KATHRYN MEEK, Captain  
Commanding Officer  
Emergency Services Division

APPROVED:



HORACE E. FRANK, Commander  
Acting Commanding Officer  
Counter Terrorism & Special  
Operations Bureau

APPROVED:



JORGE A. VILLEGRAS, Assistant Chief  
Director, Office of Administrative Services

Attachments

Director, Office of Support Services  
Page 2  
15.2

Original Signed Request Acknowledgement Form  
Performance Evaluation Report (Form 1.78)  
Request for Transfer and/or Change in Paygrade (Form 1.40)  
Employee's Written Response (if applicable)

## **EXHIBIT 5**

ADMINISTRATIVE TRANSFER & REASSIGNMENT TO A LOWER  
PAYGRADE REQUEST ACKNOWLEDGEMENT

I, RAYMONY GARVIN, acknowledge that I received a copy of this request.  
Print Employee's Name Here, Serial No.

Raymond Garvin  
Employee's Signature

3/9/17  
Date

Captain Kathryn Meek 24002  
Print Name & Serial No. of Person Serving

Kathryn Meek 24002  
Signature of Person Serving

## **EXHIBIT 6**

INTRADEPARTMENTAL CORRESPONDENCE

April 25, 2017

2.2.3

**TO:** Director, Office of Administrative Services

**FROM:** Employee Relations Administrator

**SUBJECT:** REQUEST FOR REASSIGNMENT OF LIEUTENANT II + II  
RAYMOND GARVIN, SERIAL NUMBER 26378,  
EMERGENCY SERVICES DIVISION

The Commanding Officer, Emergency Services Division, requested that Lieutenant II + II Raymond Garvin, Serial No. 26378, be reassigned to the position of a Lieutenant I and reassigned from Emergency Services Division. I have reviewed the attached request and concur that sufficient justification exists to support the action and that it is based upon the immediate needs and best interests of the Department.

If you have any questions, please contact Detective Hartter, Employee Relations Group, at (213) 486-7600.



NICOLE L. ALBERCA, Commander  
Employee Relations Administrator

Attachment

## **EXHIBIT 7**

City's MSJ Compendium p. 193

Los Angeles Police Department  
TRANSFER AND/OR CHANGE IN PAYGRADE

CHECK ALL APPROPRIATE BOXES:		TYPE OF TRANSFER:		
<input checked="" type="checkbox"/> Transfer	<input checked="" type="checkbox"/> Paygrade Change	<input type="checkbox"/> Employee initiated	<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Advertised Position
NAME (LAST, FIRST, MIDDLE)		SERIAL NUMBER	COMPLETED SUPERVISORY SCHOOL (DETECTIVE II & III ONLY)	
Garvin, Raymond		26378	YES <input type="checkbox"/>	NO <input type="checkbox"/>
PRESENT STATUS:	DIVISION	RANK/PAYGRADE/BONUS	ASSIGNMENT POS NO	
	Emergency Services Division	Lieutenant II+2	Bomb Detection Canine Sect	17274
REQUESTING:	DIVISION	RANK/PAYGRADE/BONUS	ASSIGNMENT	POS NO
		Lieutenant I		

A. IF REQUEST FOR LOWER PAYGRADE: (Check appropriate box)

- Limited duration or temporary assignment completed
- Failure or inability to satisfactorily perform the duties of the advanced paygrade position (requires accompanying Form 15.02.00 and current Rating Report forwarded through channels to the Employee Relations Group).
- Requested by employee.
- Other (Requires Form 15.02.00).

B. IF REQUEST FOR ADVANCED PAYGRADE POSITION AND/OR FOR LIMITED DURATION ASSIGNMENT: [Read statement(s) and check appropriate box(es)]

- Assignment to an advanced paygrade position.  
**Note:** An employee assigned to an advanced paygrade position may be reassigned to a lower paygrade position for any of the reasons listed under "A" above. Assignments to advanced paygrade positions are not regulated by Civil Service rules regarding status and seniority. Employees assigned to a higher paygrade position receive a new salary anniversary date and will receive the 2nd step increase for the position, if eligible, one year after the assignment effective date.
- Limited duration assignment.  
Employee is being assigned to \_\_\_\_\_ (Section/Unit) where the duration of assignment is limited to months. Upon completion of the assignment, the employee will be reassigned to another position. If not accepted for assignment to another position at the same paygrade level, the employee will be reassigned to a position at a lower paygrade level.

C. IF ADMINISTRATIVE TRANSFER:

- Position eliminated.
- Other, attach Form 15.02.00 with approval signature.

D. IF ADVERTISED POSITION: (Advanced paygrade and/or "coveted" assignments) Coveted Position?  YES  NO

- This vacancy has been advertised for a minimum of ten days on the following dates
- The names, serial numbers, gender and ethnicity of all applicants and evaluators for this position are listed on page 2 of this Form.
- All documentation concerning this selection will be retained by the unit making the selection in compliance with Los Angeles Administrative Code Section 12.3(d)(3).

TRANSFER EFFECTIVE DATE:		<input type="checkbox"/> Check if Form 15.02.00 is attached with additional comments	
I have read and understand the above ...		EMPLOYEE'S SIGNATURE <i>Raymond</i>	SERIAL NUMBER 26378
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	PRESENT COMMANDING OFFICER'S SIGNATURE <i>V. W. Garvin</i>	DATE 3/9/17
<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	REQUESTING COMMANDING OFFICER'S SIGNATURE	SERIAL NUMBER 26378

APPROVAL: BUREAU APPROVAL IS REQUIRED ON ALL PAYGRADE ADVANCEMENTS. IF TRANSFER TO ANOTHER GROUP, BUREAU, OR OFFICE IS INVOLVED, THE SIGNATURE REQUIRED IS THAT OF THE REQUESTING AREA/DIVISION/GROUP COMMANDING OFFICER, BUREAU COMMANDING OFFICER, OR OFFICE DIRECTOR.

<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	REQUESTING DIVISION/GROUP COMMANDING OFFICER'S SIGNATURE	SERIAL NUMBER	DATE
<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	REQUESTING BUREAU/OFFICE COMMANDING OFFICER'S SIGNATURE	SERIAL NUMBER	DATE

## **EXHIBIT 8**

Los Angeles Police Department  
Complaint Adjudication Form

01/13/2018

DA No.  
17-000419**EMPLOYEE:**LAST NAME, FIRST M.I.  
Garvin, Raymond UNKNOWNSERIAL NO.  
28378RANK AT TIME OF INCIDENT  
Lieutenant II+IIIAREA/DIV. AT TIME OF INCIDENT  
ESDDUTY STATUS  
 ON  OFFARRESTED  
 YES  NO**ASSIGNMENT TYPE AT TIME OF INCIDENT** PATROL  AREA DETECTIVE  ADMIN/CIVETED  SPECIALIZED DIV  INFORMED**COMPLAINANT (LAST NAME, FIRST, M.I.)**

Franco, Al; Macias, Leslie

**DEPARTMENT****ADJUDICATION SUMMARY:** Enter disposition number(s) under the respective dispositions. Check Military endorsement for the disposition recommended.

	SUSTAINED				INSUFFICIENT EVIDENCE TO ADJUDICATE	OTHER JUDICIAL REVIEW	PENALTY			
		NOT RESOLVED	UNFOUNDED	EXONERATED			No Disc/	Administrative	Officer	Sergeant
Division Commanding Officer		1, 2, 4, 5	3, 6				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Area Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Group Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bureau Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief of Police							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PENALTY RATIONALE:** (Explain, if recommendation deviates from Penalty Guide)  PTC (See attached Form 1.13 for findings and penalty recommendations)

See Letter of Transmittal

DIVISION COMMANDING OFFICER'S SIGNATURE

SERIAL NO.

DATE

EMPLOYEE'S SIGNATURE/ADMONISHMENT ONLY. SERIAL NO. DATE

GROUP/AREA COMMANDING OFFICER'S SIGNATURE

SERIAL NO.

DATE

Concur

Military Endorsement (See back page)

BUREAU COMMANDING OFFICER'S SIGNATURE

SERIAL NO.

DATE

 Concur

Military Endorsement (See back page)

Final Action

C/O - NR - REPLY

25958 2/5/18

 Concur

Military Endorsement (See back page)

CBC OVERULE

BOR - QUILTY (Counts)

Def Production-Garvin 34

City's MSJ Compendium p. 196

NAMED EMPLOYEE (LAST NAME, FIRST, MI)

Garvin, Raymond

 UNKNOWNOF No.  
17-000419

## EMPLOYEE INTERVIEW

## EMPLOYEE INVESTIGATION REVIEW

## Other than Sustained, Admonished or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be

## NOTICE OF PROPOSED DISCIPLINARY ACTION

## Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations contained in the findings which are attached to this form. You have an opportunity to respond orally or in writing by:

Maydn b, 2018

Your response will be reviewed by the Chief of Police for execution prior to adjudication of this matter.

The employee shall initial the boxes that apply.



I have received a copy of the investigation materials.



I have waived my right to receive a copy of the investigative material.



I was informed of my right to representation prior to discussing this matter.

I have discussed this matter with the employee.

DIVISION COMMANDING OFFICER'S SIGNATURE

Kathy J. Kuehl

C.O.'S RESPONSE TO EMPLOYEE

SERIAL NO. DATE

24872 02/06/18

Your signature acknowledges receipt of materials, but does not indicate concurrence with my recommendations.

EMPLOYEE'S SIGNATURE

Raymond J. Garvin

SERIAL NO. DATE

24878 2/10/18

Date response received

No employee response was submitted by the date specified.

After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.

A review of the employee's response has caused me to take the following actions. (See below)

## MILITARY ENDORSEMENT RATIONALE

See continuation page

Los Angeles Police Department  
Complaint Adjudication Form



LETTER OF TRANSMITTAL  
CF NO. 17-000419  
COMMANDING OFFICER'S ADJUDICATION

*The completed complaint investigation was received by Captain Meek on January 25, 2018.*

ADJUDICATION

External complaint

Complaint Investigation, CF No. 17-000419, resulted in seven allegations of misconduct against two Department employees:

Lieutenant I Raymond Garvin Serial No. 26378 Southeast Area  
██████████ ██████████ ██████████ ██████████ ██████████ ██████████

The allegations are listed below with recommendations for classification and the supporting rationale.

**ALLEGATION 1.** Complainant Franco alleged that on an unknown date in 2014, Lieutenant Garvin, while on-duty, made an improper remark when he stated, "Fuck that motherfucker! I can't believe he did that to me, that pineapple head. He fucked up my deployment!" when referring to Officer Sauvao.

**ALLEGATION 2.** Complainant Franco alleged that on an unknown date in May 2015, Lieutenant Garvin, while on-duty, made an improper racial remark when he stated, "That little Jap embarrassed our unit," referring to Officer Gethernail.

**ALLEGATION 3.** Complainant Franco alleged that on January 9, 2017, Lieutenant Garvin, while on-duty, made an improper remark when he called Franco a "motherfucker."

**ALLEGATION 4.** Complainant Franco alleged that on an unknown date in August 2015, Lieutenant Garvin, while on-duty, made an improper remark when he told Franco, "Now you can be my Jose in your new track and come show my laws."

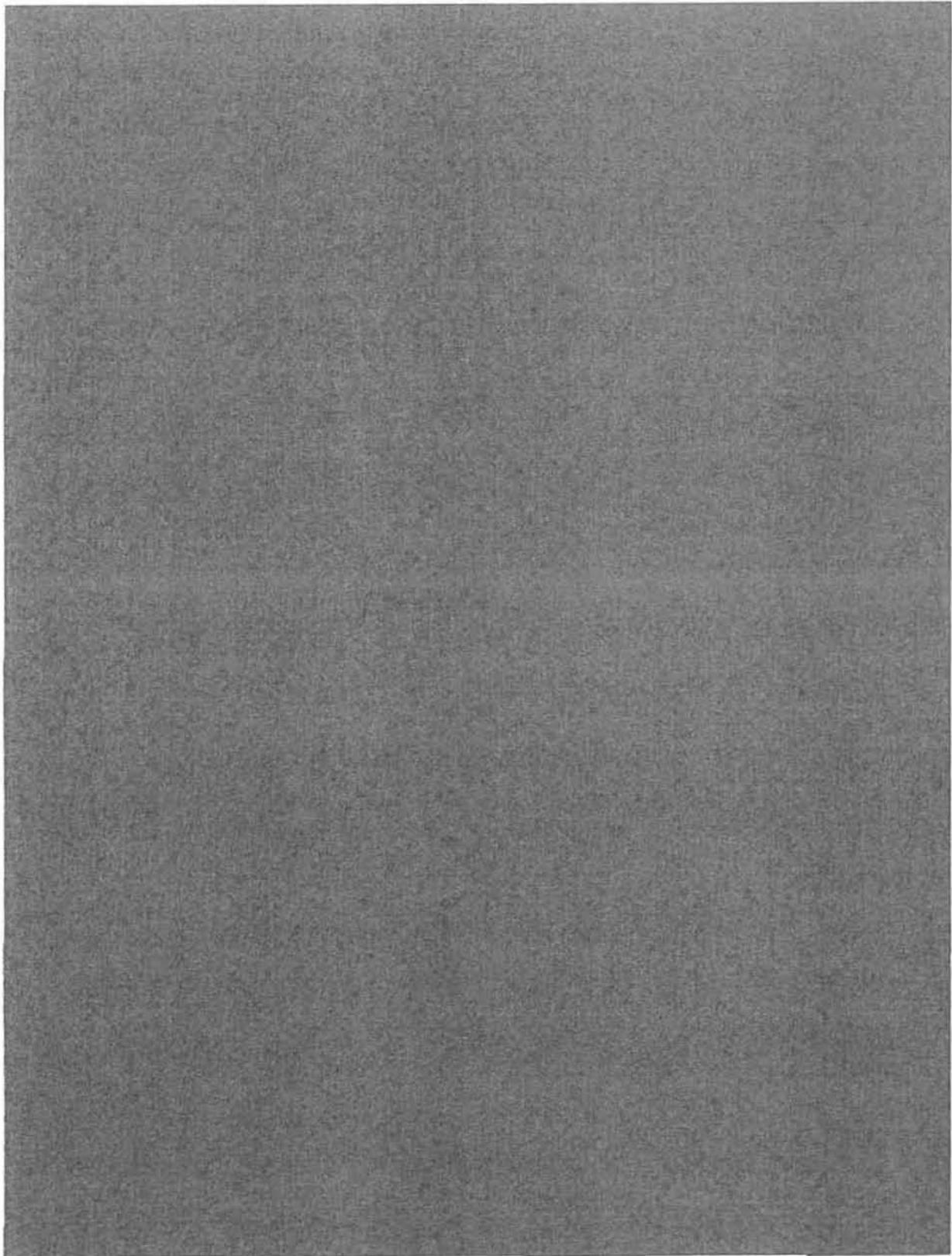
**ALLEGATION 5.** Complainant Franco alleged that on an unknown date, Lieutenant Garvin, while on-duty, made an improper remark when he asked if Salinas was going to have more children and stated, "You know how Mexican women are. She's probably going to have another one."

**ALLEGATION 6.** Complainant Salinas alleged that between October 2015 and February 2016, Lieutenant Garvin, while on-duty, treated her inappropriately in direct response to her utilization of bonding leave.

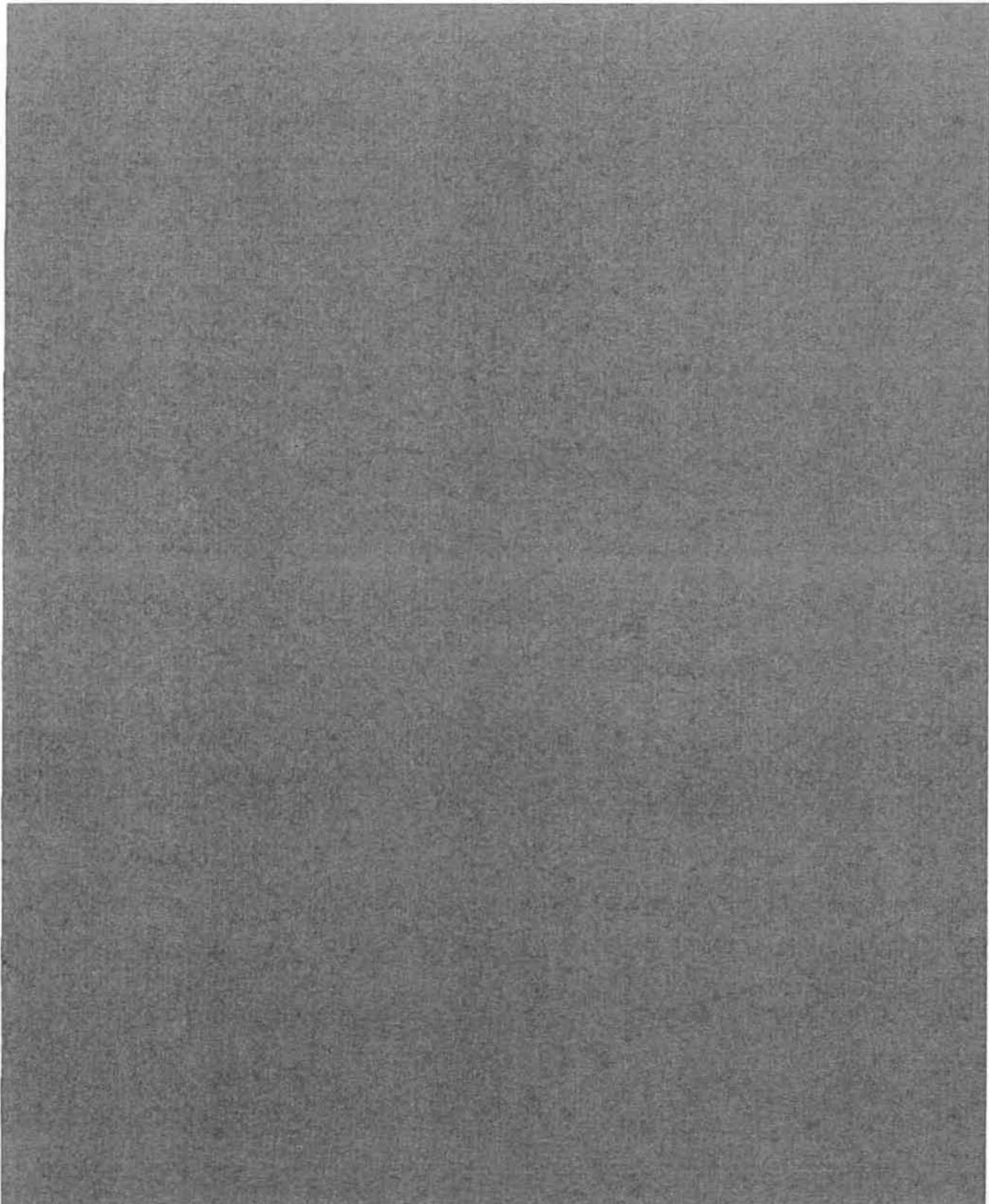
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*Note: Allegation 7 was rephrased to more accurately describe the date/time and specific question and/or phrase that Sergeant Givens allegedly uttered.*

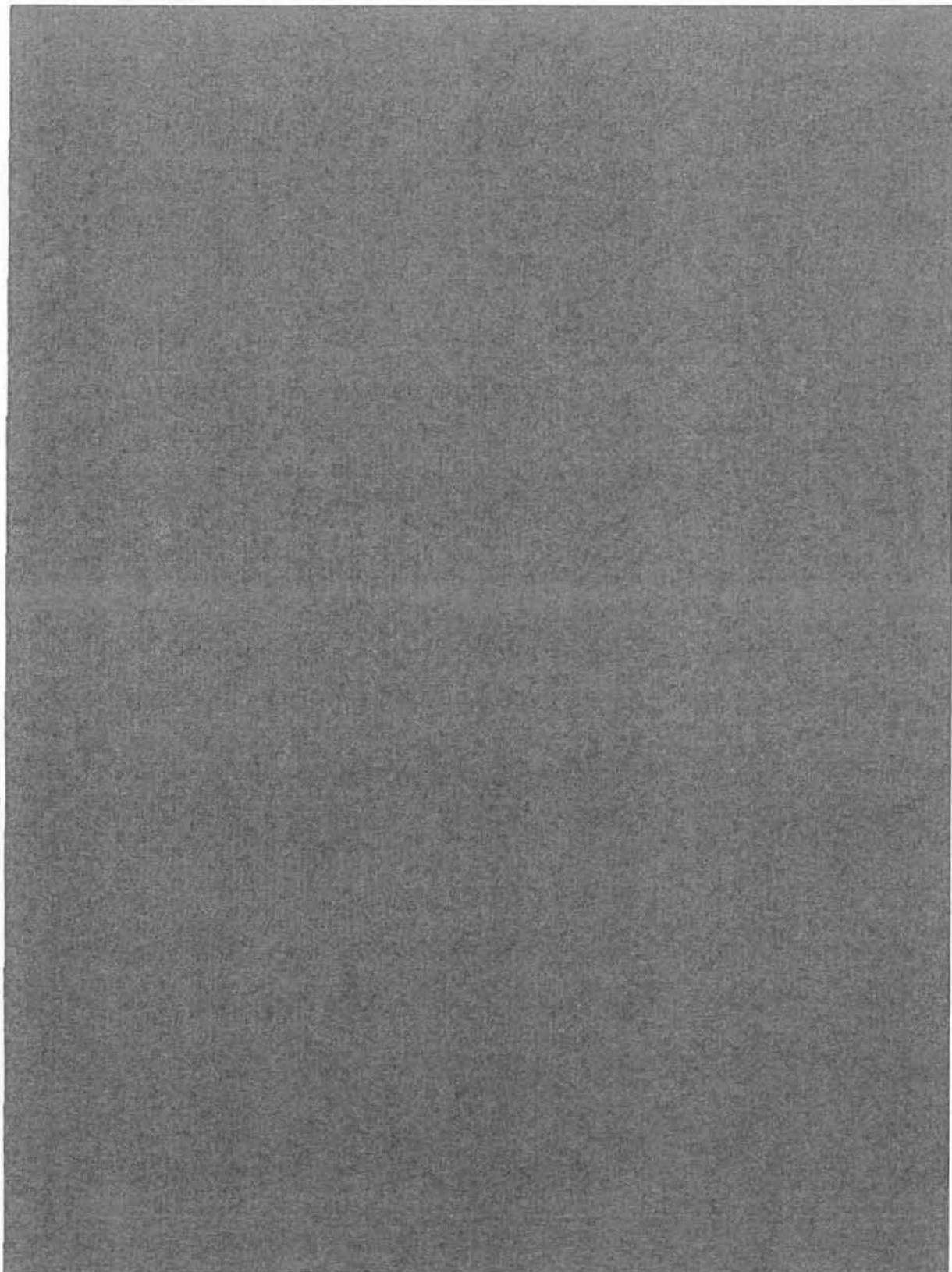
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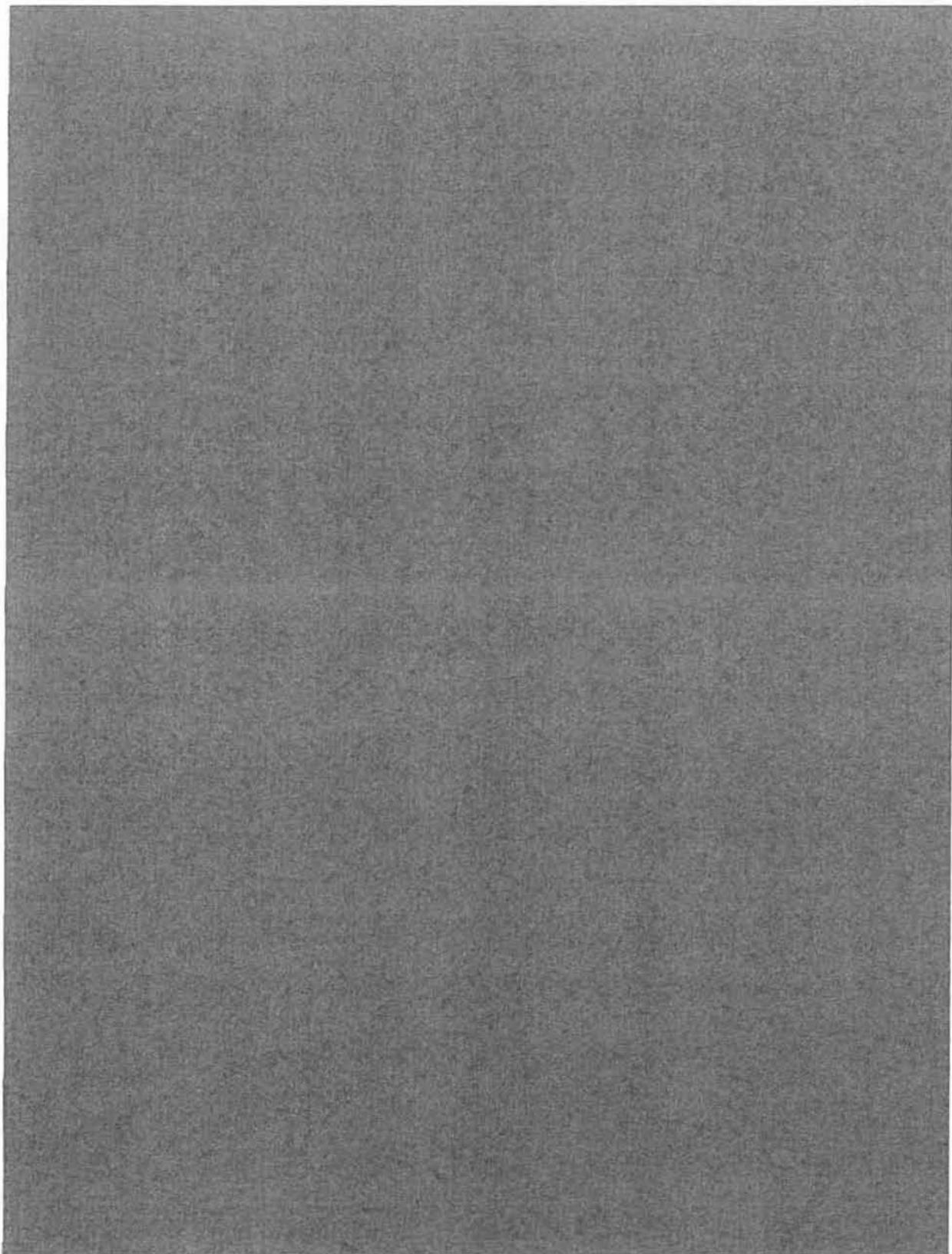
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The above actions demonstrate the deliberate and coordinated effort by five members of BDGS is/was an attempt to use the disciplinary system to carry out their apparent selfish and tainted attempt at revenge for their head trainer's removal. This decisive action of these five officers begs the question of their ongoing fitness and their judgment for continued duty in a such a highly-enveted assignment.

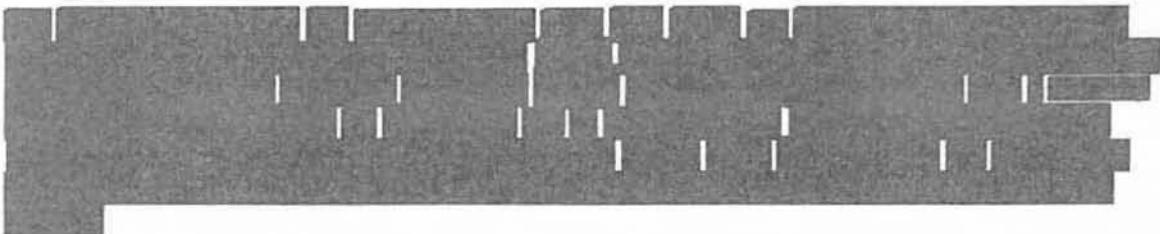
**CLASSIFICATION**

**ALLEGATION 1.** Complainant Franco alleged that on an unknown date in 2014, Lieutenant Garvin, while on-duty, made an improper remark when he stated, "Fuck that motherfucker! I can't believe he did that to me, that pineapple head. He fucked up my deployment!" when he referred to Officer Sauvao.

It is recommended that Allegation 1 be classified as NOT RESOLVED.

**RATIONALE**

In February of 2017, when Franco met with Captain Meek to allege misconduct against Garvin this allegation was not brought up to Meek. It was added later. This was only brought up to investigators and does not have an accurate time frame, a specific date, or additional witnesses attached.



There is no independent testimony outside of those involved in upcoming and ongoing complaints/claims. There is no uninvolved employee or community member that heard the, "motherfucker," or "pineapple head," comments. In fact, no one really knows when it was made. The evidence for this allegation is that Sauvao reportedly heard the comment through a closed door at the BDGS office. No credible evidence was presented that Lieutenant Garvin (OIC) used this type of language.

The investigation did not determine any evidence or testimony to support or refute the allegation. Therefore, it is recommended that Allegation 1 be classified as NOT RESOLVED.

**ALLEGATION 2.** Complainant Franco alleged that on an unknown date in May 2015, Lieutenant Garvin, while on-duty, made an improper racial remark when he stated, "That little Jap embarrassed our unit," referring to Officer Getherall.

**CLASSIFICATION**

It is recommended that Allegation 2 be classified as NOT RESOLVED.

**RATIONALE**



[REDACTED]

Again, we have the same complainant with the same credibility and bias issue, and unknown date/time of alleged occurrence. [REDACTED] stated that at no time did he hear Garvin refer to Getherall as a, "Jap." [REDACTED] never heard Garvin use the, "Jap," comment or anything derogatory towards Getherall. Goens also never heard Garvin say that Getherall should never have trained with L.A.WAPD handlers.

Garvin flatly denied the allegation, in fact Garvin denied ever referring to Getherall as a, "Jap." Also, Garvin did not recall telling the complainant, Franco, that "Joey did the worst thing that anyone could ever do in this unit."

It is impossible to determine or investigate further based on the lack of specificity, and utter vagueness of the alleged misconduct. It is unknown where or who was present when this alleged comment was made.

No evidence was presented that Lieutenant Garvin said this, nor was there definitive evidence to refute the allegation. Therefore, it is recommended that Allegation 2 be classified as NOT RESOLVED.

**ALLEGATION 3.** Complainant Franco alleged that on January 9, 2017, Lieutenant Garvin, while on-duty, made an improper remark when he called Franco a "motherfucker."

#### CLASSIFICATION

It is recommended that Allegation 3 be classified as UNFOUNDED.

#### RATIONALE

Garvin told the investigators that he did say that Franco fuck stabbed him when referring to Sauvao and the TSA evaluation, but denied calling him a, "mother fucker." No evidence was presented that Garvin made this alleged comment, and the allegation is refuted by [REDACTED] who was present in the room with Garvin and Franco. Therefore, it is recommended that Allegation 3 be classified as UNFOUNDED.

**ALLEGATION 4.** Complainant Franco alleged that on an unknown date in August 2015, Lieutenant Garvin, while on-duty, made an improper remark when he told Franco, "Now you can be my Jose in your new truck and come mow my lawn."

**ALLEGATION 5.** Complainant Franco alleged that on unknown date, Lieutenant Garvin, while on-duty, made an improper remark when he asked if Salinas was going to have more children and stated, "You know how Mexican women are. She's probably going to have another one."

#### CLASSIFICATION

It is recommended that Allegations 4 and 5 be classified as NO1 RESOLVED.

#### RATIONALE

Allegation 4 allegedly occurred on the telephone with no corroboration or objective evidence to support the allegations. In Allegation 4, Franco brought up a two-year old allegation of misconduct.

Allegation 5 cannot be adequately addressed or investigated as, again, it is unknown when it occurred. Franco alleges the statement was made by Garvin to him, and Sauvao claims to have overheard the statement.

The accused (Garvin) denied making the comments or anything racist referring to Franco or Macias (Salinas). Well documented credibility issues and bias accompany Franco and Sauvao as the investigation has brought out via the timeline and giving a critical look to the tendacy of the circumstances surrounding BDSCS.

No credible evidence exists that proved Garvin said these statements, or to refute them. It is recommended that Allegations 4 and 5 be classified as NOT RELEVANT.

**ALLEGATION 6.** Complainant Salinas alleged that between October 2015 and February 2016, Lieutenant Garvin, while on-duty, treated her inappropriately in direct response to her utilization of bonding leave.

#### CLASSIFICATION

It is recommended that Allegation 6 be classified as UNFOUNDED.

#### RATIONALE

Macias (Salinas) told the investigator she was upset because her canine was reassigned to another BDSCS handler when she was on bonding leave. According to Macias (Salinas) that the reassignment of the canine to another member – after she was on bonding leave – of BDSCS is evidence she was treated inappropriately because of the bonding leave. It is not. The investigation revealed the TSA re-assigned the canine to a different handler. Simply put, the authority to move the canine does not rest with the LAPD. Those canines are property of the TSA and the Federal government. [REDACTED] aid it was not punishment to take the canine away. The new BDSCS handler had been assigned the canine and had the option of keeping it when it was assigned to him. That handler wanted to keep working with that particular canine when Macias (Salinas) came back. Macias (Salinas) or any handler does not have a property right over a working canine. The TSA approved the canine to stay with the new LAPD BDSCS handler. Under their program guidelines, the TSA have staff assigned to LAX and the region and they determine what canine goes to who, where, and when. The TSA has the final authority and great discretion to move canines from handler to handler in the same environment (LAX) or across the country.

There is no merit or even hint of impropriety here on the part of Garvin. The overwhelming preponderance of the evidence supports the recommended rationale of UNFOUNDED.

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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Lieutenant II+II Raymond Garvin, Serial No. 26378

**DIGITAL IN-CAR VIDEO, BODY WORN VIDEO, AND OTHER VIDEO OR AUDIO RECORDINGS**

Not Applicable

**EMPLOYEE DEVELOPMENT PLAN**

None

**PENALTY**

*See Adjudication Form*

**WORK HISTORY ANALYSIS**

Lieutenant Garvin is a 29-year employee and has been a lieutenant for 12 years. He is currently a Watch Commander in Southeast Area. Lieutenant Garvin has had four sustained complaints during his career. These include two Preventable Traffic Collisions (2006 and 2008) for which he received Admonishments. Unauthorized Tactics in 1993, which was sustained with a two-day suspension, and an Unbecoming Conduct allegation in 1990 for which he received an Admonishment.



**WORK PERMIT REVIEW**

None

**RELIEF FROM DUTY CONSIDERATION**

None

**DOWNGRADE AND DESELECTION INFORMATION**

Not Applicable

**ACTIONS TAKEN**

None

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1      **INVESTIGATIVE RESPONSIBILITY**

2  
3      The Investigating Officer (I/O), Sergeant II Demian Wyma, Serial No. 32819, Internal Affairs  
4      Group (IAG), Administrative Investigation Division (AID), Workplace Investigation Section  
5      (WIS), can be reached at (213) 996-2777. Any requests for supplemental investigation must be  
6      approved by the Commanding Officer (CO), AID, via an Intradepartmental Correspondence,  
7      Form 15.02.00.

8  
9      **STATUTE**

10  
11     On February 8, 2017, the Complainants, Police Officer III+III Alberto Franco, Serial No. 32540,  
12     and Police Officer III+III Leslie Salinas, Serial No. 36652, Emergency Services Division (ESD),  
13     met with Captain III Kathryn Meek, Serial No. 24002, CO, ESD and made allegations of  
14     misconduct. The statute date for the below allegations remained February 8, 2018.

15  
16     **INTERVIEWS<sup>1</sup>**

17  
18     1. Officer Franco was interviewed on July 19, 2017 and October 27, 2017.  
19     2. Police Officer III+III Darryl Norwood, Serial No. 30368, ESD, was interviewed on  
20       August 1, 2017.  
21     3. Police Officer III+III John Berquez, Serial No. 26629, ESD, was interviewed on  
22       August 1, 2017.  
23     4. Police Officer III+III Kenneth Thatcher, Serial No. 30377, ESD, was interviewed on  
24       August 1, 2017.  
25     5. Police Officer III+III Sunny Sasajima, Serial No. 37508, ESD, was interviewed on  
26       August 3, 2017.  
27     6. Police Officer III+III+I Ara Hollenback, Serial No. 31171, ESD, was interviewed on  
28       August 10, 2017.  
29     7. Officer Salinas was interviewed on August 21, 2017.  
30     8. Police Officer III+III Joseph Getherall, Serial No. 37434, ESD, was interviewed on  
31       September 18, 2017.  
32     9. Police Officer III+III+I Mark Sauvao, Serial No. 30335, ESD, was interviewed on  
33       June 15, 2017.  
34     10. Police Officer III+III Kevin Grogan, Serial No. 30230, ESD, was interviewed on  
35       August 21, 2017.  
36     11. Police Officer III+III John Long, Serial No. 25899, ESD, was interviewed on  
37       August 3, 2017.  
38     12. Police Officer III+III Eric Young, Serial No. 34444, ESD, was interviewed on  
39       August 3, 2017.  
40     13. Police Officer III+III Pete Phernsangngam, Serial No. 26247, ESD, was interviewed on  
41       October 17, 2017.  
42     14. Sergeant II+III Deana Stark, Serial No. 30200, ESD, was interviewed on December 7, 2017.  
43     15. Sergeant II+III Randy Goens, Serial No. 26646, ESD, was interviewed on  
44       December 7, 2017.

<sup>1</sup> All of the interviews were conducted and summarized by the I/O. The interviews were audio recorded and uploaded into the Complaint Management System (CMS).  
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1       16. Lieutenant I Raymond Garvin, Serial No. 26378, Southeast Patrol Division (SOE), was  
2       interviewed on December 8, 2017 and December 13, 2017.<sup>1</sup>

3       BACKGROUND

4       [REDACTED]

5       [REDACTED]

6       [REDACTED]

7       [REDACTED]

37       SUMMARY

38       Officers Franco and Salinas alleged that they were the subject of harassment, racial remarks,  
39       discrimination, intimidation, and a hostile work environment from Lieutenant Garvin.  
40       [REDACTED] In February 2017, Lieutenant Garvin was loaned out of ESD and, in  
41       July 2017, he was downgraded from Lieutenant II to Lieutenant I and re-assigned to SOE.

42       At the time of the alleged misconduct, Garvin was assigned to ESD.  
43

1    **ALLEGATIONS**

2    **ALLEGATION 1.** Complainant Franco alleged that on an unknown date in 2014,  
3    Lieutenant Garvin, while on-duty, made an improper remark when he stated, "Fuck that  
4    motherfucker! I can't believe he did that to me, that pineapple head. He fucked up my  
5    deployment!" when referring to Officer Sauvao.

6    **ALLEGATION 2.** Complainant Franco alleged that on an unknown date in May 2015,  
7    Lieutenant Garvin, while on-duty, made an improper racial remark when he stated, "That  
8    little Jap embarrassed our unit" referring to Officer Getherall.

9    **ALLEGATION 3.** Complainant Franco alleged that on January 9, 2017,  
10   Lieutenant Garvin, while on-duty, made an improper remark when he called Franco a  
11   "motherfucker."

12   **ALLEGATION 4.** Complainant Franco alleged that on an unknown date in  
13   August 2015, Lieutenant Garvin, while off-duty, made an improper remark when he told  
14   Franco, "Now you can be my Jose in your new truck and come mow my lawn."

15   **ALLEGATION 5.** Complainant Franco alleged that on unknown date, Lieutenant Garvin,  
16   while on-duty, made an improper remark when he asked if Salinas was going to have more  
17   children and stated, "You know how Mexican women are. She's probably going to have  
18   another one"

19   **ALLEGATION 6.** Complainant Salinas alleged than between October 2015 and  
20   February 2017, Lieutenant Garvin, while on-duty, treated her inappropriately in direct  
21   response to her utilization of bonding leave.

22   [REDACTED]

23   Franco stated that in approximately 2014, Franco overheard Garvin inside a closed office within  
24   the BDCS yelling, "Fuck that motherfucker! I can't believe he did that to me! That pineapple  
25   head fucked up my deployment!" Franco asked Goens why Garvin was upset and Goens told  
26   Franco that it was because Sauvao took bonding leave.

27   In May 2015, Garvin asked Franco if he had heard about an incident involving Getherall  
28   incorrectly logging some training aids (explosives) that had been checked-out by LAWAPD  
29   Bomb Canine officers.

30   Franco told Garvin what he knew, and what his opinion was. Garvin told Franco, "Joey did the  
31   worst thing that anyone could ever do in the unit." Franco told Garvin that he disagreed with the  
32   severity of the incident, Garvin replied; "That little Jap embarrassed our unit."

33   On an unknown date in August 2015, Franco purchased a new truck from a dealer and  
34   salesperson that was referred to him by Garvin. After the purchase, Franco called Garvin to tell  
35   him about the purchase. Garvin responded, "I'm glad you got it. It's a good truck." Franco  
36   responded, "It's a good truck." Garvin responded, "It's a good truck." Franco responded,  
37   "It's a good truck." Garvin responded, "It's a good truck." Franco responded, "It's a good truck."  
38   [REDACTED]

1 him that he had purchased the vehicle using Garvin's referral and Garvin told Franco. "Now you  
2 can be my Jose in your new truck and come mow my lawn."

3  
4 On an unknown date, while Salinas was off on bonding leave, Garvin asked Franco if Franco  
5 knew when Salinas planned on returning to work. Franco told Garvin that he did not know.  
6 Garvin responded; "You know how Mexican women are. She's probably going to have another  
7 one." Franco heard Garvin make a similar statement on one other unknown occasion.

21  
22 Note: Officer Sauvao was the Police Officer III-III+1 assigned to the BDCS with the  
23 designation of Unit Trainer. In addition to being a Canine handler, Sauvao had the added  
24 responsibility of assisting with scheduling and providing TSA mandated training to the  
25 Canine handlers assigned to BDCS.

[REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 On an unknown date in early February 2017, Franco received a text from Garvin asking Franco  
29 to come to the office. Garvin asked Franco if Franco observed anything during the evaluations  
30 that gave him any concerns between Sauvao and the supervisors. Franco told Garvin that there  
31 were some raised voices, but no misconduct. The following day, Salinas told Franco that Garvin  
32 brought her into the office and repeated to her that Franco had thrown Garvin under the bus and  
33 back-stabbed him.

34  
35 On February 8, 2017, Franco texted Meek and met with her. Franco reported to Meek the  
36 comments that Garvin had made to him, and also inappropriate comments that Garvin had made  
37 about Salinas. Meek told Franco, "My sergeants are weak."

38  
39 The following Deployment Period, approximately March 2017, Garvin was removed from  
40 BDCS.  
[REDACTED]

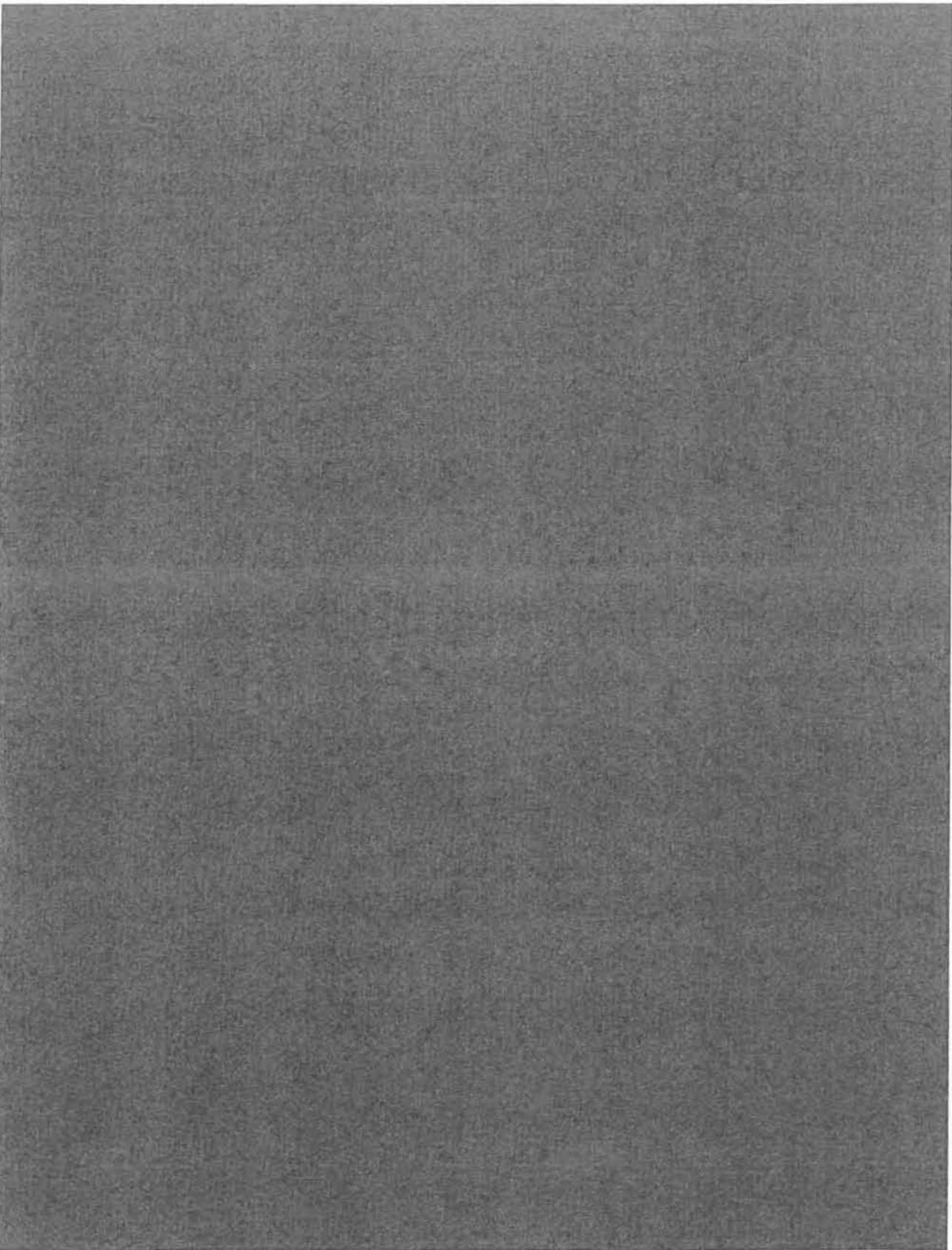
1  
2 Salinas stated that between October 2014 and March 2015, she was light-duty due to her  
3 pregnancy and was working administrative duties inside the office. On an unknown date  
4 between October 2014 and December 2014, two officers were on loan to assist with training.  
5 Goens asked Salinas "Can you drive them to the training area, because you don't do anything  
6 around here anyway?"

7 In approximately March 2015, Salinas went on bonding leave. Prior to leaving, Garvin told  
8 Salinas that her dog would go to another trainer while she was gone, but would be given back to  
9 her when she returned to work. In approximately Deployment Period (DP) 8, 2015, Salinas  
10 called Garvin to tell him that she planned to return to work DP 10, 2015. During the  
11 conversation, Garvin told Salinas that she would not be getting her former dog as discussed.  
12 Garvin notified Salinas that when she returned she would have to go on a list for a new dog.  
13 Salinas was upset because that was not what was promised to her before she left. When Garvin  
14 learned Salinas was due to return in DP 10, 2015, he placed her on the list for a new dog, and she  
15 was given a dog not long after her return to work. Salinas returned to work DP 10, 2015. In  
16 approximately March or April 2016, Garvin asked Salinas if she was planning on having more  
17 children. Garvin's comment made Salinas worry about losing her dog again, so she told him she  
18 did not know if she would have additional children even though she knew she wanted to.

19 When Salinas returned from bonding leave in 2015, Garvin told her she could adjust her hours if  
20 she needed to accommodate her baby. Approximately two months later, Garvin sent an email to  
21 the only two females in BDCS, Salinas and Harrington, stating that they could no longer adjust  
22 their hours.

23 Note: The I/O contacted Information Technology Division and located an email from  
24 Garvin to Salines and Harrington dated October 13, 2015 that addressed watch  
25 assignments for Non-Certified teams (Addendum 1)

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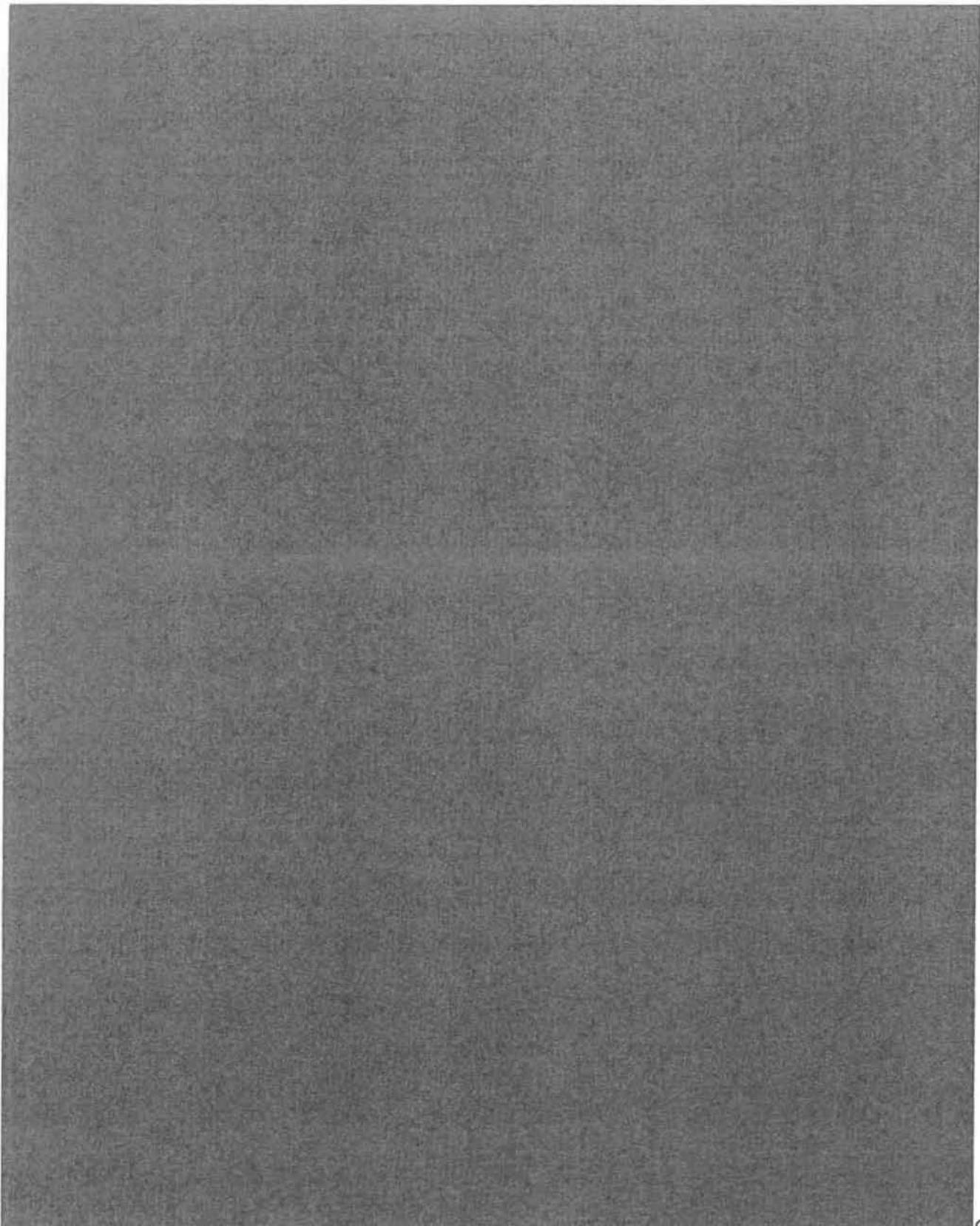
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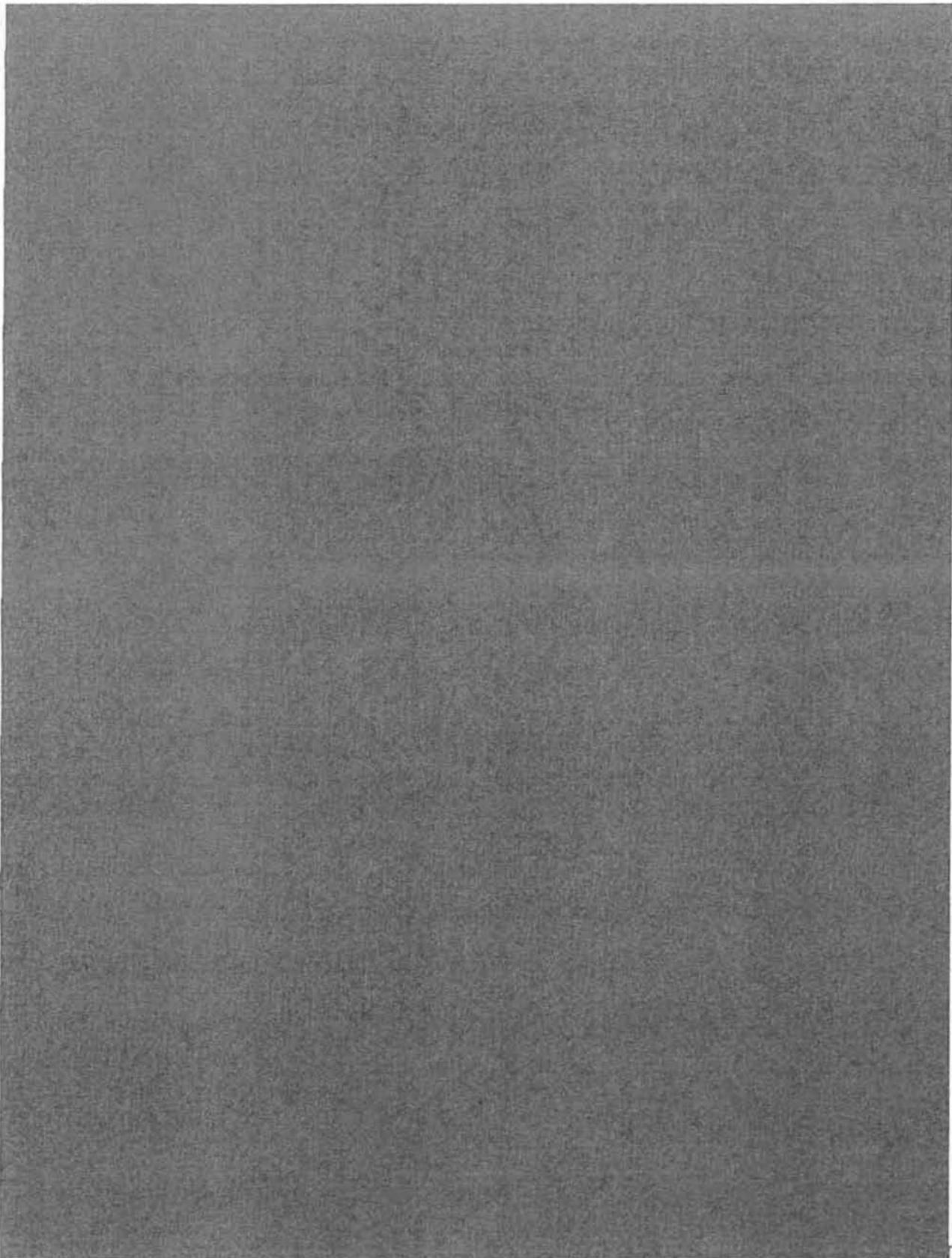
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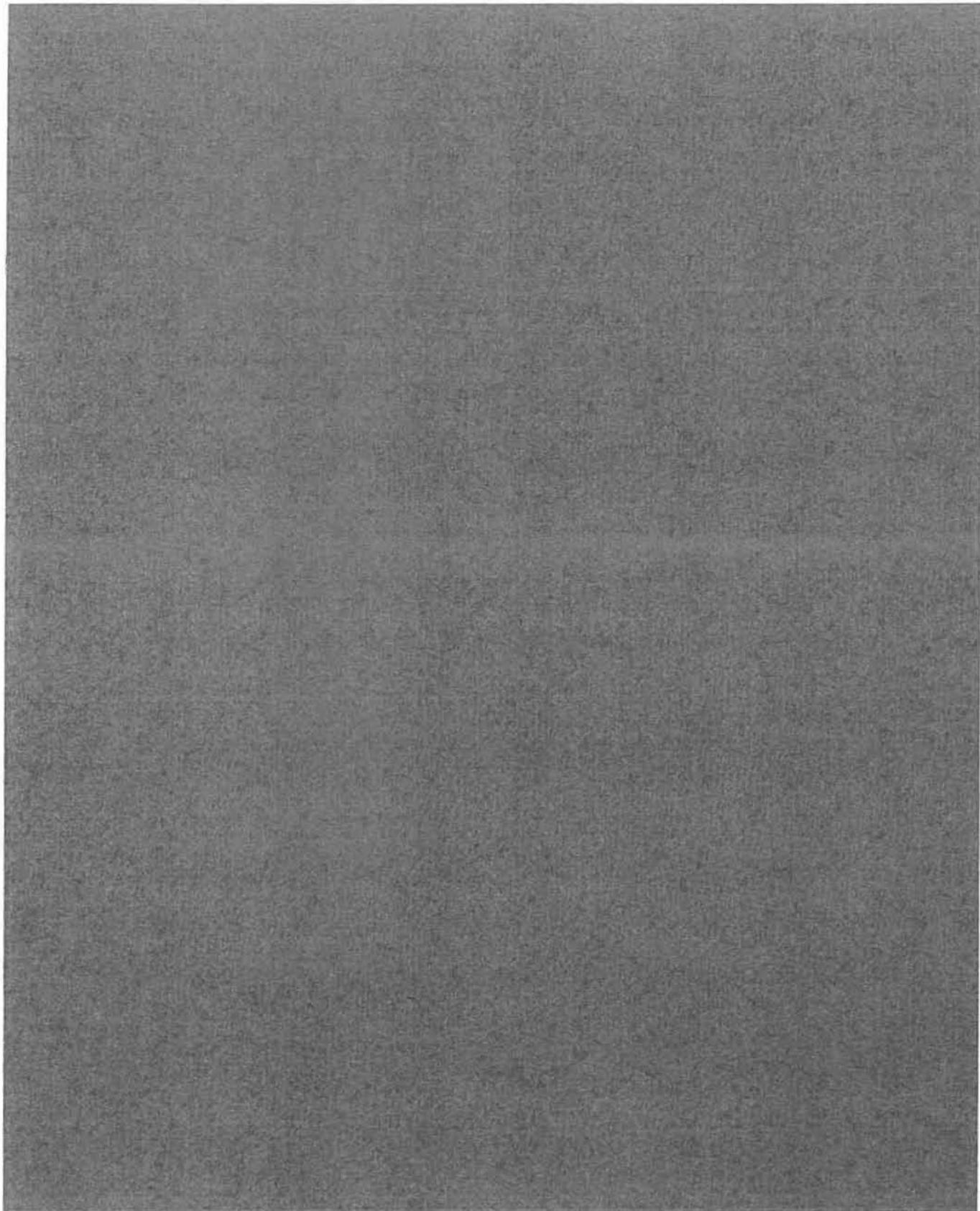
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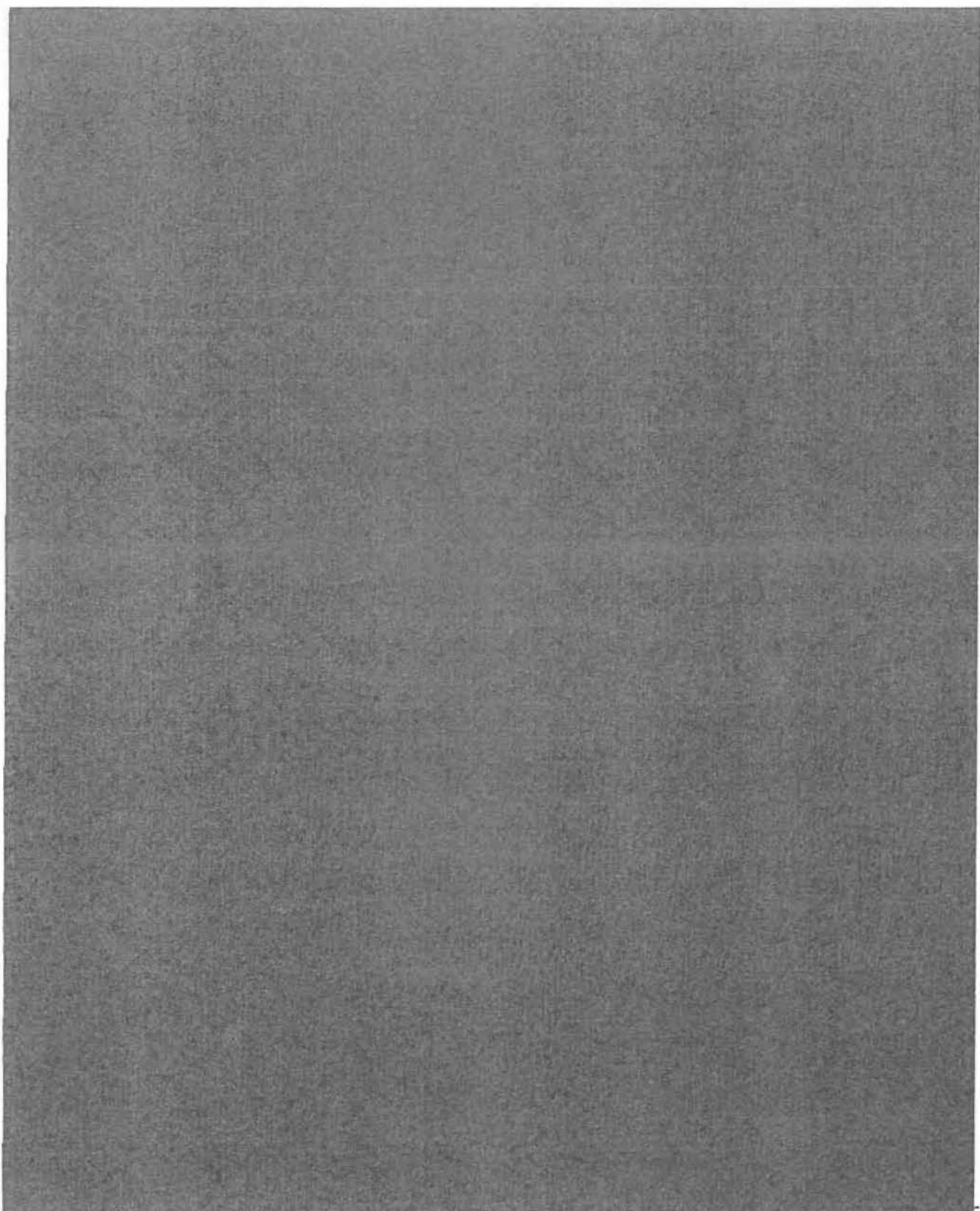
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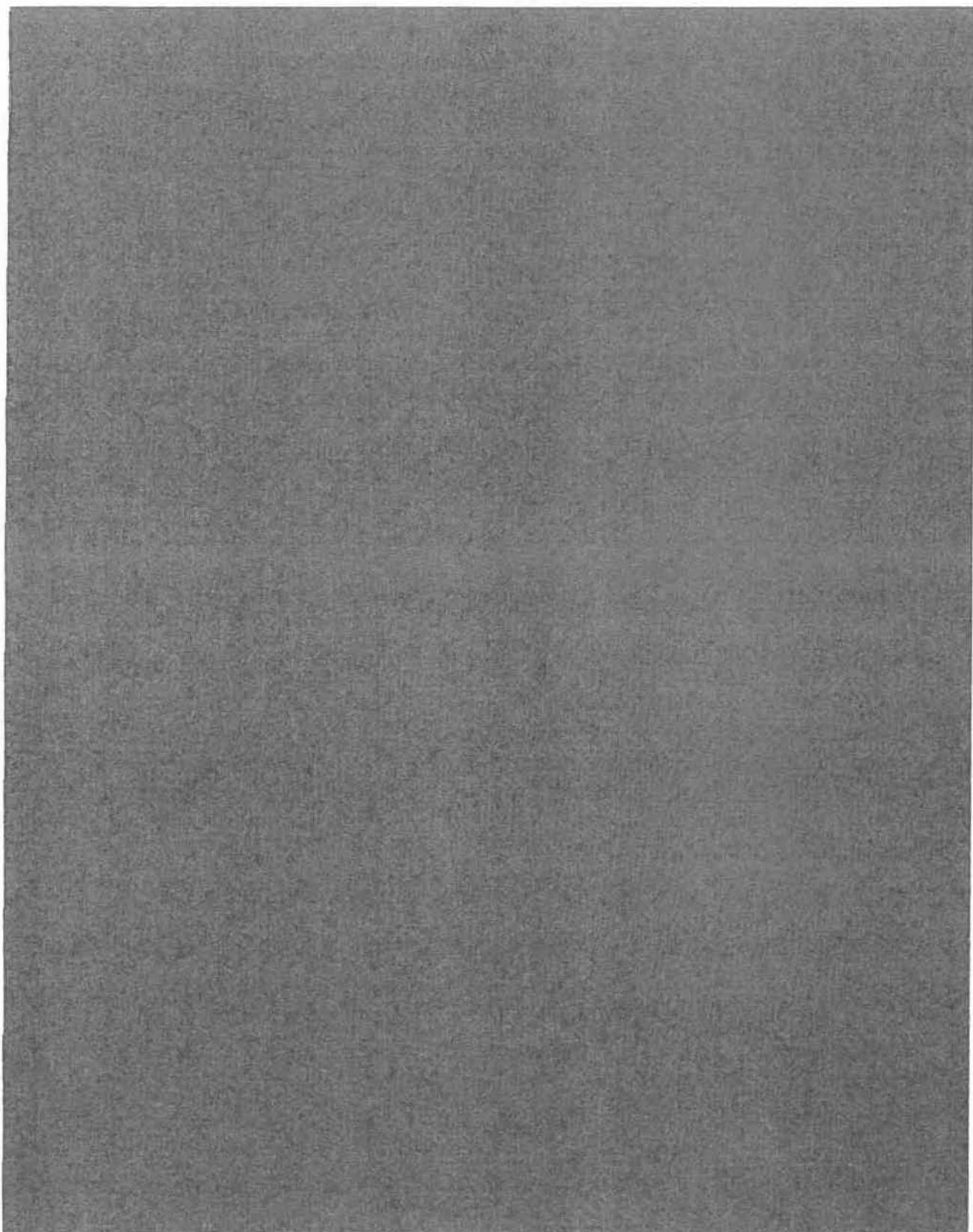
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1 Garvin stated that he was the Officer in Charge (OIC) of the ESD, BDCS from January 2012  
2 until he was loaned out in March 2017, and subsequently downgraded and administratively  
3 transferred to SOE in July 2017.

4  
5 Garvin did not recall Sauvao taking bonding leave in 2014. Garvin denied saying "Fuck that  
6 motherfucker. I can't believe he did that to me. That pineapple head fucked up my deployment."  
7 Garvin denied ever calling Sauvao a "motherfucker", or a "pineapple head." The only times that  
8 Garvin recalled Sauvao being absent for long periods were for specialized training that Garvin  
9 obtained funding for so Sauvao could attend.  
10  
11 [REDACTED]

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35 Garvin recalled the incident which involved in the loss of explosive training aids that resulted in  
36 CF No. 15-001150. Garvin did not recall telling Franco, "Joey did the worst thing that anyone  
37 could ever do in this unit," referring to the loss of the explosive training aids. Garvin did not  
38 discourage BDCS handlers from working or training with LAWA handlers. Garvin denied  
39 saying, "That little Jap embarrassed our unit" referring to Getherall, and denied ever referring to  
40 Getherall as a "Jap." When Garvin was made aware of the lost explosive training aid, Garvin  
41 had a conversation with Captain III Rolando Solano, Serial No. 27647, Custody Services  
42 Division, and the determination was made that a personnel complaint should be initiated.<sup>5</sup>  
43

44

45 In emphasizing the importance of accounting for the explosive training aids used by handlers,  
Garvin heard a prior ESD. CO. McDonald say that anyone involved in the loss of a training aid

<sup>5</sup> At the time of the incident, Solano was the C/O, ESD.

1 would be removed from BDCS. Garvin thought that initiating a personnel complaint was  
2 reasonable, and that would have been done regardless of which handler was involved. Garvin  
3 denied stating that he would decide if the lost explosive would result in a Comment Card or a  
4 Personnel Complaint. At the conclusion of the investigation, Garvin did recommend to Solano  
5 that Gethersall be removed from the unit. Solano agreed; however, the determination was made  
6 at the Bureau level not to remove the employee. Garvin based his recommendation solely on the  
7 seriousness of losing an explosive training aid and the potential consequences that could result.  
8

9 Garvin did not recall asking Franco if he knew when Salinas was going to return from bonding  
10 leave. Garvin denied telling Franco, or anyone else, "You know how Mexican girls are," or  
11 anything similar. Garvin denied saying, "Now that Salinas is certified, she will probably get  
12 pregnant again." or anything close to that. Garvin never asked Salinas if she planned on having  
13 more children.

14 Prior to Salinas leaving on bonding leave, Garvin told her she could have the same dog when she  
15 returned. The TSA policy was that if a handler was gone for more than 30 days, the dog had to  
16 be reassigned. Reassignment could be in the same unit, or anywhere in the Country. Garvin  
17 reassigned the dog within the BDCS to a handler who did not have a dog at the time. Garvin told  
18 the handler that Salinas would like the dog back when she returned and the handler agreed.  
19 When Salinas returned, the handler had become attached to the dog and did not want to give it  
20 back to Salinas. Garvin was disappointed, but felt that since the dog was part of a certified team,  
21 he could not take the dog away to give to Salinas. The decision was not because Salinas took  
22 bonding leave. Garvin was aware that Salinas continued to be upset with Garvin for not keeping  
23 his promise. Garvin also told Salinas that when she returned, he would work with her to adjust  
24 her hours on occasion if she needed it. When Salinas returned, her team was not certified due to  
25 her absence; therefore, he allowed her to modify her start of watch to give her more access to  
26 training. On an unknown date, another handler, possibly Long, complained that Salinas was  
27 getting special treatment. As a result, Garvin notified Salinas that she had to go back to regular  
28 hours. Garvin did not stop Salinas from modifying her hours to punish her for taking bonding  
29 leave.

30  
31 Garvin did not treat Salinas differently, or punish her, for taking bonding leave.  
32  
33 [REDACTED]

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**Note:** When Garvin told Franco that he did not know everything that was going on, Garvin was referencing the allegations of misconduct that Hollenback had made against Sauvao.

Garvin told Franco that he felt that Franco had "stabbed me in the back." Garvin did not tell Franco that Sauvao was "shady." Garvin was frustrated with Franco and thinks he raised his voice, but denied slamming the door and pointing his finger near Franco's face or calling Franco a "Motherfucker."

On an unknown date, Garvin notified Franco that he could not sign up for any overtime shift for 30 days because Franco had failed to show up for two overtime shifts that he had signed up for. Franco did not challenge Garvin's decision, and Garvin did not call Franco a "motherfucker." or say "You're lucky I don't take more overtime away."

Garvin stated that in approximately August 2015, he did refer Franco to the salesman at the auto dealership where he had previously purchased a vehicle. Garvin remembered several conversations with Franco about the truck Franco purchased, but did not recall Franco calling him to discuss it, and Garvin denied ever telling Franco "You can be my Jose," or telling Franco to mow his lawn, or making any similar statements.

1  
2 **INVESTIGATOR'S NOTES**  
3

4 1. In addition to the paraphrased interviews, the I/O interviewed Norwood, Borquez  
5 Thatcher, Sasajima, Long, and Young because they were all assigned to the unit during  
6 times when the alleged misconduct took place, and they were also being interviewed on  
7 concurrent FSD, BDCS complaint investigations. [REDACTED]

8  
9 alleged misconduct or any other incidents relevant to this investigation; therefore, their  
10 individual interviews were not paraphrased.  
11  
12 2 [REDACTED]  
13  
14  
15

16 **ADDENDA**  
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18 1. Email dated October 13, 2015; Subject: "Work Hours"  
19 2 A-F Employee Comment Sheets and NTCD issued to Phermsangngam.  
20 3 A-B, TSA Canine Training Center Fact Sheet.

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Complaint Investigation, CF Nos. 17-000419  
Page 21  
13.5.1

1  
2 SUBMITTED:  
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4  
5  
6  
7

8 DEMIAN WYMA, Sergeant  
9 Workplace Investigation Section  
10 Internal Affairs Group

01-03-18

Date

14  
15 APPROVED:  
16  
17  
18  
19  
20

21 MARK D. DIBELL, Lieutenant  
22 Officer in Charge  
23 Workplace Investigation Section  
24 Internal Affairs Group

01-03-18

Date

28  
29   
30 DAVID T. GRIMES, Captain

1-3-18

Date

# ADDENDA

CF No. 17-000419

From: 28378@lapd.lacity.org  
To: LAURAIN HARRINGTON, LESLIE SALINAS  
Subject: Work Hours  
Date: 13-Oct-2015 18:22  
Attachments: TEXT.htm [Save] (0.7m)  
Creation Date: 13-Oct-2015 18:22  
Store Date: 14-Nov-2015 12:11  
Status: accepted,opened,read  
Box Type: sent  
Folder: RAYMOND GARVIN Home > Sent Items  
Message Id: 561D2FBB.LAPDDomA.POAS 200.20000C5.1.5552D.1

Lori and Leslie

Just a heads up we are changing our policy on non certified teams. Non-certified teams will now work day watch exclusively unless the handler specifically wishes to work PM watch if they choose to work PM watch they will have to work PM watch hours for the entire DP. So if you guys want to start working day watch on your next work day just give me a response and I will mark the book otherwise that will start next deployment.

Once a non certified team become certified they will be placed on a watch according to the needs of the section. Their time on that watch will then start as far as bumping purposes.

This new policy is not because of any of your situations it is part of a broader set of policy revisions that we are about to publish in K 9 and the division involving roll call star times accountability and things of that nature so please don't think anything bad about this.

If you have any questions please feel free to give me a call thanks

Sent on the new Sprint Network from my Samsung Galaxy S®4

Lori and Leslie

Just a heads up we are changing our policy on non certified teams. Non-certified teams will now work day watch exclusively unless the handler specifically wishes to work PM watch if they choose to work PM watch they will have to work PM watch hours for the entire DP. So if you guys want to start working day watch on your next work day just give me a response and I will mark the clock otherwise that will start next deployment.

Once a non certified team become certified they will be placed on a watch according to the needs of the section. Their time on that watch will then start as far as bumping purposes.

This new policy is not because of any of your situations it is part of a broader set of policy revisions that we are about to publish in K9 and the division involving roll call start times accountability and things of that nature so please don't think anything bad about this.

If you have any questions please feel free to give me a call thanks.

Sent on the new Sprint Network from my Samsung Galaxy S5

COMPLAINT FORM NO.

17-000419

## Be Advised

ADDENDA INFORMATION DEEMED CONFIDENTIAL AND GATHERED DURING THIS INVESTIGATION HAS BEEN SEALED IN AN ENVELOPE AND IS PART OF THIS FOLDER.

BE ADVISED, THIS MATERIAL IS RESTRICTED TO PERSONS WITH "The Right To Know" AND "The Need To Know." THE SEALED ENVELOPE IS MARKED CONFIDENTIAL AND CONTAINS CHRRS, CRIMINAL HISTORY, SENSITIVE, AND/OR CONFIDENTIAL MATERIAL/INFORMATION OBTAINED DURING THE COURSE OF AN INTERNAL CRIMINAL INVESTIGATION.

ANY UNAUTHORIZED REVIEW, REPRODUCTION, AND/OR DISTRIBUTION OF THIS MATERIAL IS STRICTLY PROHIBITED.

ANY QUESTIONS REGARDING THIS INFORMATION SHOULD BE REFERRED TO THE OFFICER-IN-CHARGE, REVIEW AND EVALUATION SECTION, INTERNAL AFFAIRS GROUP.

DATE SEALED: 3/27/18

PERSON  
SEALING:

J Mendoza

SERIAL NO: N3661

# TSA Canine Training Center

## Overview

The TSA National Explosives Detection Canine Program trains and deploys both TSA-led and state and local law enforcement dog canine teams in support of day-to-day activities that protect the transportation domain. These highly trained explosives detection canine teams are a reliable resource at detecting explosives and provide a visible deterrent to terrorism directed towards transportation systems.

TSA trains canine teams to operate in the aviation, multimodal, maritime, mass transit, and cargo environments. Considered the "center for excellence" for explosives detection canine training, the program is the largest explosives detection canine program in the Department of Homeland Security and the second largest in the federal government after the Department of Defense.



## Canine Training Teams

- Canine teams may consist of transportation security officers or local or state law enforcement officers who are paired with explosives detection canines and work in airports across the nation.  
Law enforcement officers make up approximately 68 percent of the teams and approximately 32 percent are transportation security inspectors.
- TSA provides and trains the dog, trains the handler, provides training aids and explosives storage magazines, and conducts biannual canine team certifications.
- TSA partially reimburses each partnering agency for operational costs associated with maintaining the teams, including veterinary fees, handler salaries, dog food, and equipment.

In return, the law enforcement agencies agree to use the canine in their assigned transportation environment for at least 60 percent of the handler's duty time.

## Canine Training Course

- TSA explosives detection handlers are trained on a variety of explosives based on intelligence, data, and emerging threats.
- Conventional explosive detection canine handlers receive a 10-week training course. Partnership screening canine handlers complete a 12-week training course.
- Canine teams graduate from the TSA canine course after demonstrating proficiency in various venues, including all four transportation environments including airport terminal, freight cargo, baggage vehicle, bus, ferry, and rail.
- Once a team graduates from the canine class, they return to their duty station to determine the family of dogs that can be to their assigned operational environment.
- Each team is certified annually to ensure the canine demonstrates canine-specific proficiency in the environment to include four key elements: the canine's ability to track K-9 explosive odors, the handler's ability to interpret the canine's range of behavior, the handler's ability to conduct log and systematic searches, and the team's ability to locate the explosive odor source.



Transportation  
Security  
Administration

Tel:

Def Production-Gawin 59  
City's MSJ Compendium p. 235

## Training Facilities

- Located at Joint Base San Antonio-Lackland in San Antonio, Texas, the \$12 million Canine Training Center includes 25,000 square feet of space with seven classrooms, office space that accommodates 95 employees, and a 100-seat auditorium.
- There are 13 indoor venues on the premises that mimic a variety of transportation sites and modes. This includes a cargo facility, an airport gate area, a checkpoint, a baggage claim and the interior of an aircraft, a vehicle parking lot, a flight fuel station, a flight rail car, an air cargo facility, a mobile terminal, and open area searches, venues for air scenting.
- Kennels that can accommodate approximately 250 dogs.
- The canine training center also utilizes a variety of training venues in and around the San Antonio area including San Antonio International Airport, local shopping malls, the AT&T Center and the VIA Bus Terminal.

## Canines by the Numbers

- 250 average number of canines that complete training per year
- 125 average number of canines in training at any given time
- 7 breeds of canines that are in the program to include German Shepherds, Labrador Retrievers, German Shorthaired Pointers, Weimaraner Pointers, Vizslas, Belgian Malinois, Golden Retrievers
- \$24,000 average cost to train a canine and handle
- Approximately 83 percent of canines produced from the training program



## Canine Capabilities

- There are more than 900 TSA canine teams deployed nationwide that are tasked with screening passengers and cargo, and supporting other security missions.
- In 2015, there were more than 200,000 canine utilization hours throughout the nation's transportation system.
- Canine teams work at more than 120 of the nation's airports, mass transit and rail systems.
- Canine teams are a highly mobile and extremely efficient explosives detection tool in order detect and mitigate to threats throughout the nation's transportation environment.



Transportation  
Security  
Administration

## **EXHIBIT 9**

## COMPLAINT FORM

Statute Date: 03/04/2018

Investigative Complexity:

Masked: No

CF No.: 17-000614

## Complainant(s)

Name:	Sauvao, Mark - 30335, POLICE OFFICER 3 ESD BOMB DETECTION K9 SECTION SQUAD1	Masked:	No
DOB:	02/19/1968	Residential Address:	
Gender/Descent:		Subj of Incident:	Yes
Language:		Source:	Sworn Department Employee
Injury:	None	Method:	Correspondence
Arrested:	No	Phone:	
Booking No.:			
Identification:			

## Date and Location of Occurrence

Beginning/End Date: 04/01/2016 / 03/04/2017

RD / Area Division: 0421 / Hollenbeck Area

Cross Street 1:

Begin/End Time: 12:01 / 08:00

Cross Street 2:

Address: 2029 North Main Street Los Angeles California 90031

## Accused Employee(s)

Name:	Garvin, Raymond - 26378, LT 2 ESD BOMB DETECTION K9 SECTION	Masked:	No
DOB:	7/17/1966	Business Address:	
Gender/Descent:	Male / CAU	Assignment:	OIC
Length of Service:	27 Years 4 Months 18 Days	Duty Status:	On Duty
Injury:	None	Phone:	
Arrested:	No		
Booking No.:			

**Original  
DO NOT DUPLICATE**

Name:

DOB:

Gender/Descent:

Length of Service:

Injury:

Arrested:

Booking No.:

Name:

DOB:

Gender/Descent:

Length of Service:

Injury:

Arrested:

Booking No.:

## Involved Person(s)

Name:	Masked:
Involved Person Type:	Address:
DOB:	

## COMPLAINT FORM

Statute Date: 03/04/2018 Investigative Complexity: Masked: No CF No.: 17-000614

Complainant(s)

Date and Location of Occurrence

Accused Employee(s)

Involved Person(s)

Gender/Descent:

Subject of Incident:

Identification:

Phone:

**Brief Summary**

Reported to Uninv	Uninvolved	Meek, Kathryn - 24002, CAPT 3
Supervisor:	Supervisor	ESD
Recorded By:	Name:	
Wyma, Demian - 32819, SGT 2 IAG IAG WIS	Preliminary Investigator	Wyma, Demian - 32819, SGT 2 IAG AID WIS
IAG CLASS:	Cross Reference:	None

Supervisor Reviewing Serial No. Area/Division

Los Angeles Police Department

Complaint Review Report

Statute Date: 03/04/2018

**COMPLAINT FORM**

Masked: No

CF No.: 17-000614

**Preliminary Investigative Narrative:**

On March 4, 2017, Police Officer III+I Mark Sauvao, Serial No. 30335, Emergency Services Division (ESD), Bomb Detection Canine (K-9) Section, submitted an Employee's Report, Form 15.7 to his Commanding Officer (CO) Captain III Kathryn Meek, Serial No. 24002, CO, ESD, alleging harassment, racial remarks, discrimination, intimidation, and a hostile work environment from Lieutenant II Raymond Garvin, Serial No. 26378.

## Los Angeles Police Department

## Complaint Review Report

Statute Date: 03/04/2018

## COMPLAINT FORM

Masked: No

CR No.: 17-000614

	DR No. PTC:	Date of Traffic Collision	Fleet Safety History (Prior PTCs)	
			Last 5 Years	Career
<input type="checkbox"/>	Court Date FTA:	Court Case No.	FTA History (Sustained Only)	
<input type="checkbox"/>			Last 5 Years	Career
<input type="checkbox"/>	Qualification Month / Year FTQ:	Reason Forgot <input type="checkbox"/> Shot and Failed <input type="checkbox"/>	FTQ History (Sustained Only)	
			Last 5 Years	Career

 DisciplinaryNon-Disciplinary (Check the applicable box below)

**POLICY/PROCEDURE** - The facts of the case revealed that the complaint relates to Department policy/procedure and not to a specific employee's actions.

**EMPLOYEE'S ACTIONS DID NOT RISE TO THE LEVEL OF MISCONDUCT** - A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure.

**EMPLOYEE'S ACTIONS COULD HAVE BEEN DIFFERENT** - The facts in the complaint revealed the employee's actions could have been different. However, the employee's act or omission is best addressed through corrective action by the employee's commanding officer. The corrective action(s) taken was: (Check all that apply)

COUNSELING  
 TRAINING  
 COMMENT CARD  
 NOTICE TO CORRECT DEFICIENCIES  
 REFERRAL

**DEMONSTRABLY FALSE** - The complaint was demonstrably false, or, demonstrates an irrational thought process and was consistent with the complainant's established pattern of making chronic or crank complaints.

**DEPARTMENT EMPLOYEE(S) NOT INVOLVED** - The preliminary investigation revealed that the complaint did not involve Department employee(s).

**RESOLVED THROUGH ALTERNATIVE COMPLAINT RESOLUTION (ACR)** - The complainant and the employee(s) resolved the complaint through ACR.

AREA / DIVISION COMMANDING OFFICER	<input type="checkbox"/> APPROVED	<input type="checkbox"/> REFERRED FOR DISCIPLINARY CONSIDERATION	GROUP/BUREAU CO	<input type="checkbox"/> CONCUR	<input type="checkbox"/> DO NOT CONCUR
NAME (PLEASE PRINT)	RANK	AREA / DIV	NAME (PLEASE PRINT)	RANK	GROUP / BUREAU
SIGNATURE / SERIAL NO.	DATE		SIGNATURE / SERIAL NO.	DATE	

## **EXHIBIT 10**

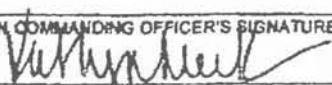
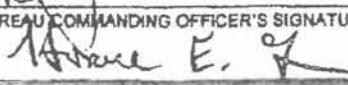
Los Angeles Police Department  
Complaint Adjudication FormCF No.  
17-000814

<input type="checkbox"/> Multiple Employees												
EMPLOYEE: LAST NAME, FIRST M.I. Garvin, Raymond		SERIAL NO. 28378	RANK AT TIME OF INCIDENT LT 2	AREA/DIV. AT TIME OF INCIDENT ESD	DUTY STATUS <input checked="" type="checkbox"/> ON <input type="checkbox"/> OFF	ARRESTED <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO						
ASSIGNMENT TYPE AT TIME OF INCIDENT <input type="checkbox"/> PATROL <input type="checkbox"/> AREA DETECTIVE <input type="checkbox"/> ADMIN/COVETED <input checked="" type="checkbox"/> SPECIALIZED DIV <input type="checkbox"/> UNIFORM GED			COMPLAINANT (LAST NAME, FIRST, M.I.) Sauvao, Mark			<input type="checkbox"/> DEPARTMENT						
ADJUDICATION SUMMARY: Enter allegation number(s) under the respective dispositions. Check Military endorsement for the disposition recommended.												
	SUSTAINED	NOT RESOLVED	UNFOUNDED	EXONERATED	INSUFFICIENT EVIDENCE TO ADJUDICATE	OTHER JUDICIAL REVIEW	PENALTY					
							No Penalty	Admin	OR	Susp Days	Demotion	Discharge or Term on Probation
Division Commanding Officer	2						<input type="checkbox"/>					
Area Commanding Officer							<input type="checkbox"/>					
Group Commanding Officer	2						<input type="checkbox"/>					
Bureau Commanding Officer	2						<input type="checkbox"/>					
Chief of Police							<input type="checkbox"/>					

PENALTY RATIONALE: (Explain, if recommendation deviates from Penalty Guide.)  PTC (See attached Form 1.13 for findings and penalty recommendation.)

Allegations 3, 6 Non Disciplinary

SEE LETTER OF TRANSMITTAL

				<input type="checkbox"/> Continued on back		
DIVISION COMMANDING OFFICER'S SIGNATURE 		SERIAL NO. 28378	DATE 070118	EMPLOYEE'S SIGNATURE (ADMONISHMENT ONLY) SERIAL NO. DATE		
GROUP/AREA COMMANDING OFFICER'S SIGNATURE 		SERIAL NO. 2671	DATE 2/28/18	<input checked="" type="checkbox"/> Concur	<input type="checkbox"/> Military Endorsement (See back page.)	
BUREAU COMMANDING OFFICER'S SIGNATURE 		SERIAL NO. 25958	DATE 2/28/18	<input checked="" type="checkbox"/> Concur	<input type="checkbox"/> Military Endorsement (See back page.)	

NAMED EMPLOYEE (LAST NAME, FIRST, MI)

Garvin, Raymond

 UNKNOWN

CF No.

17-000614

## EMPLOYEE INTERVIEW

## EMPLOYEE INVESTIGATION REVIEW

## Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days from that date will be:

April 12, 2018

## NOTICE OF PROPOSED DISCIPLINARY ACTION

## Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form. You have an opportunity to respond orally or in writing by:

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

I have received a copy of the investigation materials.

I have waived my right to receive a copy of the investigative material.

I was informed of my right to representation prior to discussing this matter.

I intend to submit a response.

I do not intend to submit a response.

I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurrence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE    SERIAL NO.    DATE

Garvin, Raymond

2400 03018

EMPLOYEE'S SIGNATURE

Raymond

SERIAL NO.    DATE

26318 3/1/08

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

No employee response was submitted by the date specified.

After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.

A review of the employee's response has caused me to take the following actions: (See below).

 See continuation page.

MILITARY ENDORSEMENT RATIONALE:

*The completed complaint investigation was received for adjudication on February 15, 2018.*

**ADJUDICATION**

Department Employees Complaint by: Police Officer III+I+III Mark Sauvao, Serial No. 30335, Emergency Services Division (ESD)

The Complaint Investigation, CF No. 17-000614, resulted in seven allegations of misconduct against [REDACTED] named employees:

Lieutenant I Raymond Garvin  
Serial No. 26378

Southeast Patrol Division<sup>1</sup>

The allegations are listed below with recommendations for classification and supporting rationale.

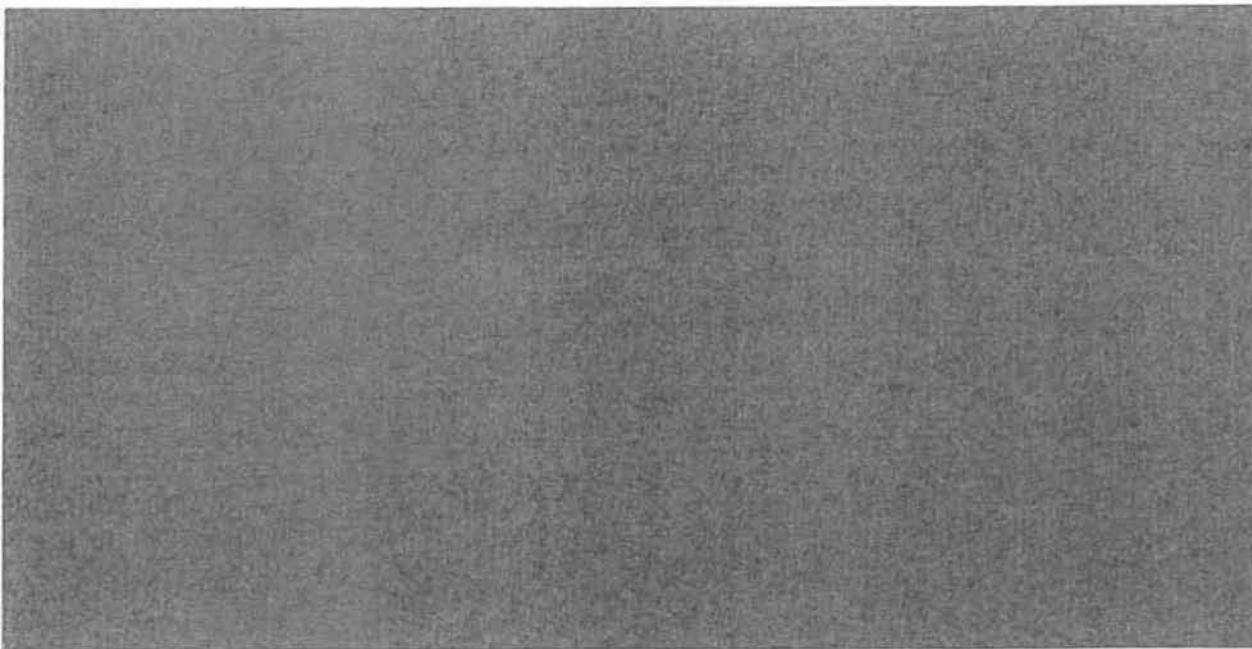
**ALLEGATION 2.** Complainant Sauvao alleged that on unknown dates, Lieutenant Garvin, while on-duty, failed to take appropriate action when he heard Goens make improper remarks toward Sauvao.

**CLASSIFICATION:**

It is recommended that Allegations 1 and 2 be classified as NOT RESOLVED.

**RATIONALE:**

<sup>1</sup> At the time of the alleged misconduct, Garvin was assigned as the Officer-in-Charge, Bomb Detection Canine Section (BDCS), ESD



Regarding Allegation 2, Sauvao claimed that Garvin was present on some occasions when Goens made the improper remarks toward Sauvao. However, Sauvao was unable to recall specific instances or provide any supporting independent evidence or witnesses to show that Garvin was present and heard the remarks. Although Franco and Getherall supported Sauvao's allegation that Goens made the remarks, they did not state that Garvin was present to hear the remarks. Garvin denied the allegation. In light of the aforementioned, Allegation 2 is best classified as Not Resolved.

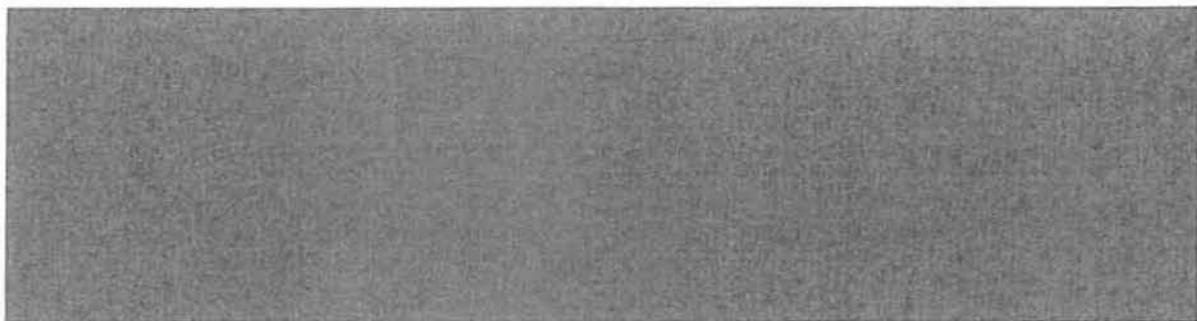
**ALLEGATION 3.** Complainant Sauvao alleged that on unknown dates, Lieutenant Garvin, while on-duty, made improper remarks toward him.

**CLASSIFICATION:**

It is recommended that Allegation 3 be classified as NON DISCIPLINARY – EMPLOYEE'S ACTIONS DO NOT RISE TO THE LEVEL OF MISCONDUCT.

**RATIONALE:**

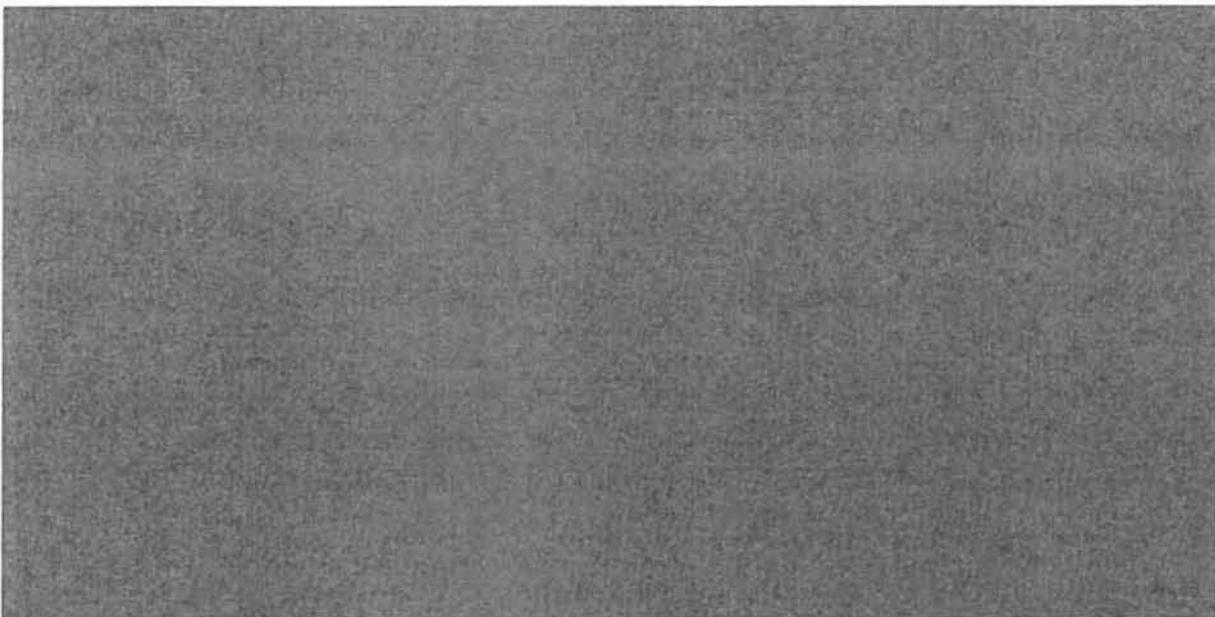
Garvin admitted to using the term "Mafia" while referencing PM watch officers at BDCS; however, the reference in and of itself was not based on any employee's protected class. While this adjudicator would have expected a better choice of words from someone in Garvin's position, the term, use of the term, in and of itself does not constitute misconduct. As such, the most appropriate adjudication for this allegation is Non-Disciplinary – Employee's Actions Do Not Rise to the Level of Misconduct.



**CLASSIFICATION:**

It is recommended that Allegations 4 and 5 be classified as NOT RESOLVED.

**RATIONALE:**



Again, it is interesting to note that the only persons hearing these comments are the ones who aligned themselves with Sauvao in his dispute with supervision. Their versions of the comment differ significantly. There are no independent witnesses and there is not a preponderance of evidence to sustain or unfound the allegation. As such, the most appropriate classification for Allegation 4 is NOT RESOLVED.





**ALLEGATION 6.** Complainant Sauvao alleged that on October 19, 2016, Lieutenant Garvin, while on-duty, denied Sauvao the right to representation during an administrative search of Sauvao's City-owned vehicle.

**CLASSIFICATION:**

It is recommended that Allegation 6 be classified as NON DISCIPLINARY – ACTIONS DO NOT RISE TO THE LEVEL OF MISCONDUCT.

**RATIONALE:**

The Government Code known as the Peace Officer's Bill of Rights entitles an employee to representation during questioning. No such right is afforded to an employee during a search of his City-owned vehicle or work space, only that he be allowed to be present. Sauvao was present for the searches. Therefore, Allegation 6 should be classified as Non-Disciplinary – Actions Do Not Rise to the Level of Misconduct.

**ALLEGATION 7.** Complainant Sauvao alleged that in May 2017, the Department inappropriately changed his assignment because he reported misconduct.

**CLASSIFICATION:**

It is recommended that Allegation 7 be classified as UNFOUNDED.

**RATIONALE:**

The investigation revealed that Captain Meek met with her chain-of-command, Commander Zarcone and Deputy Chief Frank, regarding Sauvao's authoring a 15.7 requesting that the BDSC supervisors be removed from the unit. In addition, Meek was aware that Sauvao had two incidents during which Sauvao had shown hostility toward the supervisors. As a result and armed with the knowledge that Sauvao, according to him, was under stress due to his open personnel complaint and TSA evaluation, the decision was made by Meek, Zarcone, and Frank to loan Sauvao to the ESD Bomb Squad. Sauvao maintained his trainer bonus pay, along with care and maintenance pay his assigned K-9, even though TSA, as is their right, reclaimed Sauvao's K-9. Ultimately, Sauvao was issued a City Bomb K9. Meek, Zarcone, and Frank exercised their management right to move Sauvao to an environment outside of the BDSC where they believed he would be successful, and Sauvao suffered no adverse employment action as a

result of his reassignment. In light of the aforementioned, Allegation 7 is most appropriately classified; as UNFOUNDED.

**DIGITAL IN-CAR VIDEO/BODY WORN VIDEO/AUDIO RECORDINGS**

Not applicable.

EMPLOYEE DEVELOPMENT PLAN (Sergeant Goens)

Not applicable.

PENALTY

Not applicable.

WORK HISTORY ANALYSIS



WORK PERMIT REVIEW



RELIEF FROM DUTY RECOMMENDATIONS

None.

DOWNGRADE CONSIDERATIONS

None

**EMPLOYEE DEVELOPMENT PLAN (Lieutenant Garvin)**

Not Applicable

**PENALTY**

Not Applicable

**WORK HISTORY ANALYSIS**

Lieutenant Garvin has two sustained Preventable Traffic Collision complaints from 2006 and 2008 resulting in Admonishments, a sustained Unauthorized Tactics complaint from 1993 resulting in a 2-Day Suspension, and a sustained Unbecoming Conduct complaint from 1990 resulting in an Admonishment.

**WORK PERMIT REVIEW**

A review of Lieutenant Garvin's work permit history revealed that he does not currently have any work permits; therefore, no conflict of interest concerns, or impairment of performance or efficiency issues were identified.

**RELIEF FROM DUTY RECOMMENDATIONS**

None.

**DEGRADE CONSIDERATIONS**

None.

1 **INVESTIGATIVE RESPONSIBILITY**

2  
3 The Investigating Officer (I/O), Sergeant II Demian Wyma, Serial No. 32819, Internal Affairs  
4 Group (IAG), Administrative Investigation Division (AID), Workplace Investigation Section  
5 (WIS), can be reached at (213) 996-2777. Any requests for supplemental investigation must be  
6 approved by the Commanding Officer (CO), AID, via an Intradepartmental Correspondence, Form  
7 15.02.00.

8  
9 **STATUTE**

10  
11 On March 4, 2017, the Complainant, Police Officer III+1 Mark Sauvao, Serial No. 30335,  
12 Emergency Services Division (ESD), submitted an Employee's Report, Form 15.7, to his CO,  
13 Captain III Kathryn Meek, Serial No. 24002, ESD, alleging misconduct on the part of his  
14 supervisors. On November 27, 2017, the Department received Government Claim No. C18-02020,  
15 which was filed on behalf of Sauvao, making similar accusations as Sauvao's Employee's Report.  
16 The statute date for the below allegations remained March 4, 2018 (Addenda 1-3).

17  
18 **INTERVIEWS<sup>1</sup>**

19  
20 1. Sauvao was interviewed on June 15, 2017.  
21 2. Police Officer III Kenneth Thatcher, Serial No. 30377, ESD, was interviewed on  
22 August 1, 2017.  
23 3. Police Officer III John Borquez, Serial No. 26629, ESD, was interviewed on August 1, 2018.  
24 4. Police Officer III Darryl Norwood, Serial No. 30368, ESD, was interviewed on  
25 August 1, 2017.  
26 5. Police Officer III Sunny Sasajima, Serial No. 37508, ESD, was interviewed on August 3, 2017.  
27 6. Police Officer III Eric Young, Serial No. 34444, ESD, was interviewed on August 3, 2017.  
28 7. Police Officer III John Long, Serial No. 25899, ESD, was interviewed on August 3, 2017.  
29 8. Police Officer III+1 Ara Hollenback, Serial No. 31171, ESD, was interviewed on  
30 August 10, 2017.  
31 9. Police Officer III Leslie Macias, Serial No. 36652, ESD, was interviewed on August 21, 2017.<sup>2</sup>  
32 10. Police Officer III Kevin Grogan, Serial No. 30230, ESD, was interviewed on August 21, 2017.  
33 11. Police Officer III Joseph Getherall, Serial No. 37434, ESD, was interviewed on  
34 September 18, 2017.  
35 12. Police Officer III Pete Phermsangngam, Serial No. 26247, ESD, was interviewed on  
36 October 17, 2017.  
37 13. Police Officer III Alberto Franco, Serial No. 32540, ESD, was interviewed on  
38 October 27, 2017.  
39 14. Lieutenant I Raymond Garvin, Serial No. 26378, Southeast Area (SOE), was interviewed on  
40 December 8, 2017 and December 15, 2017.<sup>3</sup>  
41 15. Sergeant II Deana Stark, Serial No. 30200, ESD, was interviewed on December 7, 2017.  
42 16. Sergeant II Randy Goens, Serial No. 26646, ESD, was interviewed on December 7, 2017.  
43 17. Meek was interviewed on February 1, 2018.

<sup>1</sup> All of the interviews were conducted and summarized by the I/O. The interviews were audio recorded and uploaded into the Complaint Management System (CMS).

<sup>2</sup> Macias changed her name from Salinas after the initiation of the personnel complaint. Def Production- Garvin 91

<sup>3</sup> At the time of the alleged misconduct, Garvin was a Lieutenant II assigned to ESD as the BDCS OIC. City's MSJ Compendium p. 252

Complaint Investigation, CF Nos. 17-000614

Page 2

### 13.5.1

## **BACKGROUND**

The ESD Bomb Detection Canine Section (BDCS) was located on the property of Los Angeles International Airport (LAX). The BDCS maintained an office along with The Los Angeles World Airports Police Department's (LAWAPD) Bomb Detection Canine unit. The Bomb Detection Canine program at LAX was partially funded by the Transportation Security Administration (TSA). The TSA also had responsibility for the initial training, the regular evaluation, and certification of the K9 teams. A K9 team was comprised of a Police Officer III+III and a canine. The BDCS had approximately fifteen K9 teams and the Table of Organization (TO) also had two trainer positions that were Police Officer III+III+I positions. The unit trainers were also assigned canines and were part of a K9 team, but had the added responsibility of providing TSA mandated training to the ESD BDCS teams on a regular basis. Sauvao was assigned to BDCS as a K9 handler in July of 2005, and was upgraded to a trainer position in November 2013.

In May 2016, Hollenback was selected for the other unit trainer position and upgraded from Police Officer III+III to Police Officer III+III+I.

In April 2017, Sauvao was loaned from BDCS and was assigned to the ESD Bomb Squad as a K9 handler. Sauvao remained a Police Officer III+III+I.

## SUMMARY

Sauvao alleged that he has been the subject of harassment, racial remarks, discrimination, intimidation, and a hostile work environment from Garvin, who was the BDCS Officer in Charge (OIC).

Note: Many of the allegations that were brought to the Department's attention during the course of this investigation dated back several years; however, they were not reported until after Sauvao received a personnel complaint (CF No. 16-001209) and NTCD.

1      **ALLEGATIONS**

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5      **ALLEGATION 2.** Complainant Sauvao alleged that on unknown dates, Lieutenant Garvin,  
6 while on-duty, failed to take appropriate action when he heard Goens make improper  
7 comments toward Sauvao.  
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10     **ALLEGATION 3.** Complainant Sauvao alleged that on unknown dates, Lieutenant Garvin,  
11 while on-duty, made improper remarks toward him.  
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21     **ALLEGATION 6.** Complainant Sauvao alleged that on October 19, 2016, Lieutenant  
22 Garvin, while on-duty, denied Sauvao the right to employee representation during an  
23 administrative search of Sauvao's City owned vehicle.  
24

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26     **ALLEGATION 7.** Complainant Sauvao alleged that in May, 2017, the Department,  
27 inappropriately changed his assignment because he reported misconduct.  
28

29       Note: Memorandum of Understanding (MOU) No. 24, Section 8.2/A.2. states; "Transfers,  
30 assignments, promotions, promotional examinations, probationary terminations of entry-  
31 level or tenured employees, and Employee Comment Sheets (comment cards). These  
32 matters are not grievable or arbitrable whether or not said matters involve discipline." It  
33 should also be noted that deployment is a Management right.  
34

35       Sauvao stated that in approximately July 2013, Garvin attempted to remove Phermsangngam from  
36 the BDCS due to Garvin's perception that Phermsangngam was struggling in the unit. Sauvao  
37 made the determination that Phermsangngam's struggles were related to the dog's behavior, and  
38 not due to Phermsangngam. When Sauvao brought this information to Garvin's attention, Garvin  
39 told Sauvao; "Too late buddy; I already got the 1.40 (Transfer and/or Change in Paygrade) signed,  
40 he's outta here." Sauvao explained to Garvin that Phermsangngam had already attended a ten  
41 week TSA school and been certified by the TSA. The TSA certification required a three-year  
42 commitment or the City would be responsible for reimbursing TSA for his training. Therefore,  
43 Phermsangngam could not be transferred because he had never failed any TSA examinations.  
44 After researching the agreement with TSA, Garvin realized that Sauvao was correct and did not  
45 proceed with the transfer for Phermsangngam (Investigator's Note 1).  
46

1 In mid-2013, Young failed his first TSA certification and, as a result, he received a comment card.  
2 Garvin and Goens met with Sauvao and told him that they "needed Young to pass." Garvin then  
3 assigned Young to work with Sauvao daily after which Young was re-tested and passed. Prior to  
4 that time, Sauvao had never been assigned to work so extensively with a handler to ensure they  
5 passed their certification. Sauvao believed that Young received preferential treatment due to being  
6 a friend of Goens.

7

8 Note: Sauvao stated that Young received a comment card as a result of the evaluation  
9 failure, which was consistent with the way other evaluation failures were documented.

10

11 In approximately December 2013, Borquez, who was the other trainer in the unit, failed a TSA  
12 evaluation. It was the first time Borquez failed an evaluation in his seventeen years in BDCS.  
13 Garvin advised that he thought that Borquez should be transferred from the unit, and asked Sauvao  
14 if he agreed. Sauvao explained that he thought it was the dog that was having difficulty in the  
15 evaluation, and not Borquez. Garvin told Sauvao that Borquez was not a good person, and that  
16 they should just remove Borquez and bring someone else into the unit. Sauvao disagreed. Garvin  
17 issued Borquez a NTCD, which was unusual since it was the first time there had been any issues  
18 with Borquez or his K9. The prior protocol was that officers who failed an evaluation were given  
19 comment cards for their first two failures. Garvin pressured Borquez to submit an Employee's  
20 Report requesting to downgrade from his position as trainer. Borquez complied and was  
21 voluntarily downgraded from Police Officer III+III+I to Police Officer III+III, however he  
22 remained in the unit as a K9 handler.

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35 On May 16, 2016, while Sauvao was conducting training in the Qantas Cargo terminal, Garvin  
36 arrived at the location and told Sauvao, "I don't know what you're up to here, but you're up to no  
37 good." When Sauvao replied that he did not know what Garvin meant by the comment, Garvin  
38 told Sauvao "You're a ringleader, and you are creating a mafia here." Garvin said it had come to  
39 his attention that Sauvao gave preferential training to people who gave Sauvao their cash overtime  
40 details. Sauvao attributed Garvin's comments to the fact that the BDCS PM Watch officers all got  
41 along well, and that sometimes people signed up for voluntary overtime shifts that they would later  
42 let Sauvao work.

43

44 Sauvao believed that what Garvin alleged, trading training for overtime, constituted misconduct.  
45 Sauvao reported Garvin's comments to Meek that evening, but Meek did not take action. Sauvao  
46 admitted that he worked more voluntary overtime shifts than the other handlers.

1 In October 2016 Garvin directed Sauvao to meet him at the Los Angeles Fire Department station  
2 that was located near LAX. Upon arrival, Garvin advised Sauvao that his vehicle was going to be  
3 searched pursuant to an iAG investigation (CF No. 16-001209). When Sauvao asked Garvin if he  
4 could have an employee representative present during the search, Garvin told Sauvao, "You don't  
5 need a rep. I'm your wit. That's why I'm here."

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20 On March 4, 2017, after Sauvao submitted his Employee's Report, Meek asked him if he would  
21 voluntarily transfer from BDCS to ESD Bomb Squad to lead the Metropolitan Transit Authority  
22 (MTA), Bomb Detection K9 program which was also administered by TSA. Sauvao initially  
23 agreed and submitted a written request; however, shortly thereafter, Sauvao learned that the MTA  
24 Bomb Detection K9 unit would not be operational for two years. Sauvao rescinded his request, but  
25 was loaned to the ESD Bomb Squad regardless. Sauvao was told that he was being moved as a  
26 result of his Employee's Report. After the move, Sauvao's dog was taken away and he lost  
27 overtime opportunities that were available at BDCS. Sauvao alleged that he was moved out of  
28 BDCS as a result of reporting misconduct in his Employee's Report, in addition to speaking up for  
29 other officers within the BDCS, and his prior reporting of misconduct to Meek.

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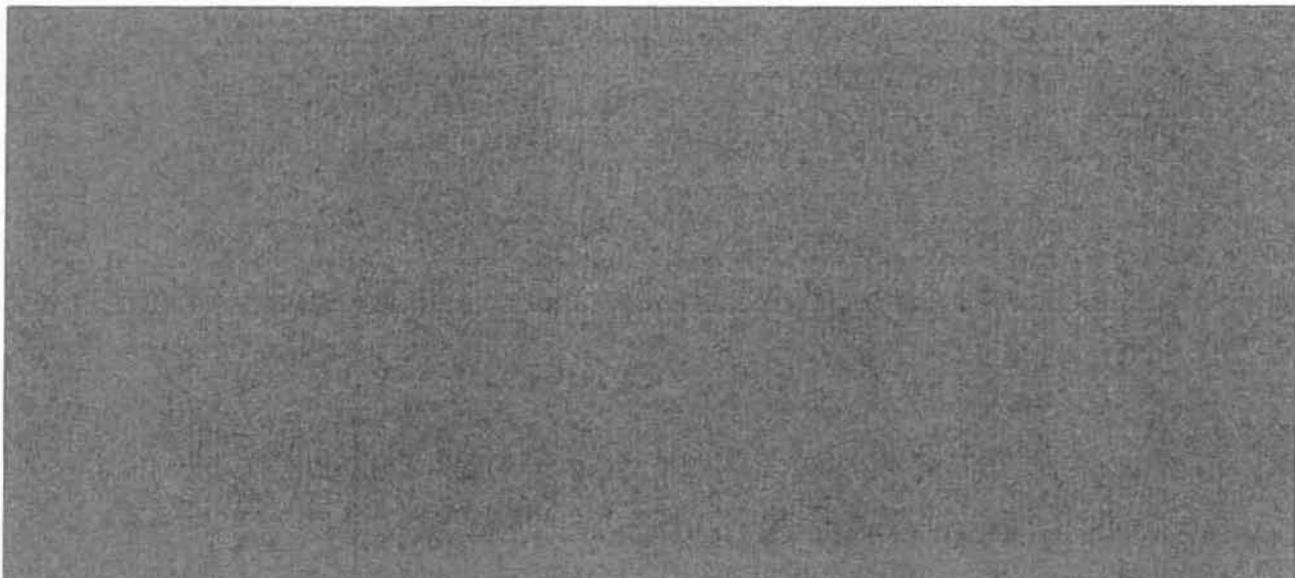
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4 Prior to Phermsangngam's first TSA evaluation, he was struggling significantly with the TSA  
5 training and with adjusting to having a dog as he had never owned a dog prior. During that time,  
6 Garvin issued Phermsangngam an adjusting comment card and a NTCD addressing his  
7 (Phermsangngam's) performance. Garvin advised that if Phermsangngam's performance did not  
8 improve, he was going to be transferred from BDCS.  
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32 Macias never heard [REDACTED] Garvin make any racially derogatory comments toward Sauvao or  
33 anyone else at BDCS.

34  
35 On an unknown date in early 2016, during a unit training day in the Los Angeles Harbor, Garvin  
36 referred to the PM watch as a "mafia crew" and referred to Sauvao as the PM watch "ringleader."  
37 Garvin did not explain what he meant by the comment, but Macias did not think it was appropriate,  
38 and she reported it to Meek, who was also at the training.

1 Note: Initially Macias stated that Garvin accompanied them through the entire process,  
2 and she felt as though Garvin was watching Sauvao waiting for him to "do something," but  
3 she later clarified that Garvin left them after the suspect was photographed and did not  
4 accompany them during the booking process.

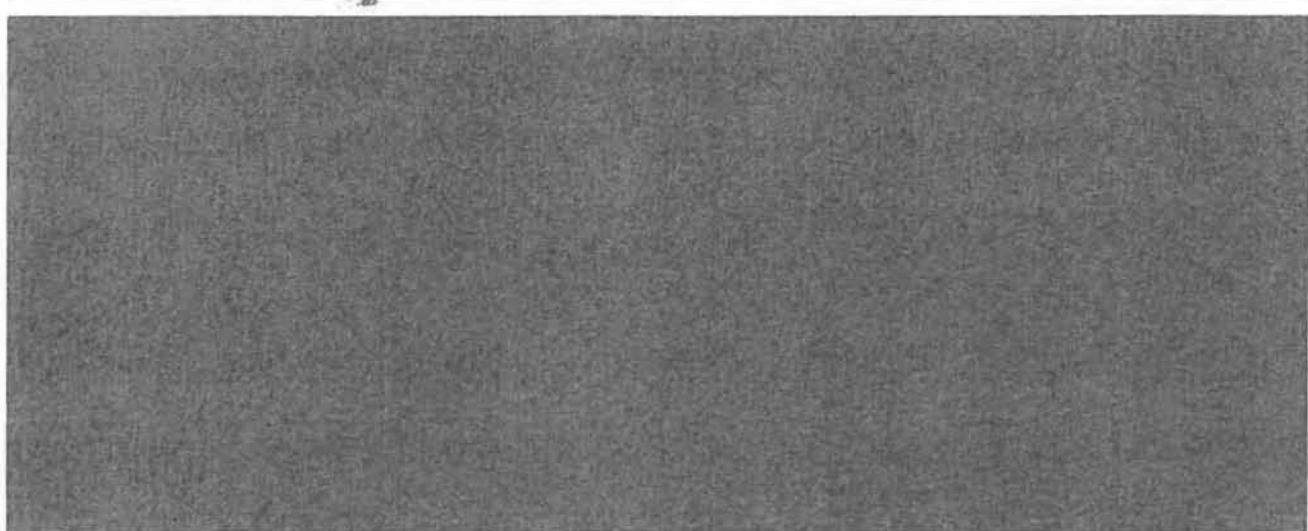
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12 On an unknown date in 2014 or 2015, Sauvao was running a training scenario behind the office.  
13 Franco overheard Garvin say to Goens, "Look at that pineapple head, he's got his whole mafia  
14 here." Goens replied, "Yeah, he should climb up that tree and get me a coconut." On unknown  
15 dates Franco also overheard Goens refer to Sauvao as a "pineapple head" and a Tongan.

16  
17 Borquez stated that he had worked the ESD BDCS for approximately twenty years. In  
18 approximately December 2013, he failed an annual evaluation for the first time. As a result,  
19 Garvin issued him a NTCD with stipulations that Borquez had to follow in order to remain in  
20 BDCS. Borquez passed his next evaluation; however, did not want to continue as a unit trainer  
21 under Garvin. Borquez told Garvin that he would voluntarily forfeit his Police Officer III+III+I  
22 unit trainer position after he (Borquez) entered the Deferred Retirement Option Plan (DROP),  
23 which was anticipated in the coming months. Garvin agreed, and Borquez voluntarily downgraded  
24 from Police Officer III+III+I to Police Officer III+III after entering DROP in approximately  
25 May 2014.

26  
27 Borquez stated that he was treated unfairly after failing his first evaluation; however, it was  
28 Garvin's policy to write up everyone who failed an evaluation. Borquez recalled being the one to  
29 initiate the proposal to voluntarily downgrade. Borquez never heard Goens or Garvin make  
30 derogatory comments toward anyone.

31  
32 Hollenback never heard ██████ Garvin make inappropriate or derogatory comments toward  
33 Sauvao or anyone else in BDCS.

34  
35 Hollenback did not think he received preferential treatment and had received several adjusting  
36 comments cards while assigned to BDCS.

37  
38 Grogan had worked in the BDCS for approximately three years. Grogan had spent approximately  
39 equal time on Day-watch and PM-watch. Grogan noticed a difference between the two watches,  
40 and observed that handlers on PM-watch got along better, and were more productive than those on  
41 Day-watch. Grogan thought that PM-watch was more cohesive and worked better as a team. In  
42 approximately May 2015, after a BDCS training day, Garvin addressed the officers assigned to  
43 PM-watch. During the de-brief, Garvin referred to PM-watch as "the PM mafia," and referred to  
44 Sauvao as the "ringleader."

1 Thatcher never observed Garvin, ██████████ give preferential treatment to anyone. Thatcher  
2 had received two adjusting comment cards while being assigned to BDCS. Thatcher never heard  
3 any Garvin ██████████ say inappropriate comments toward Sauvao.

4  
5 Norwood never heard Garvin ██████████ say inappropriate comments or derogatory remarks toward  
6 Sauvao or anyone else in BDCS.

7  
8 Sasajima was assigned to BDCS in October 2016. Sasajima never observed supervision treat  
9 Sauvao any differently than any of the other handlers. Sasajima never heard Goens or Garvin say  
10 inappropriate or derogatory comments toward Sauvao or anyone else at BDCS.

11  
12 Young stated that he had been in the BDCS for approximately four years. Young failed his first  
13 TSA evaluation, and as a result, he was assigned to work with Sauvao daily. Young did not view  
14 his training with Sauvao as preferential treatment since he was new to the unit and had failed his  
15 initial evaluation.  
██████████

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20 Young never heard ██████████ Garvin say improper remarks or derogatory statements toward  
21 Sauvao or anyone else.

22  
23 Long had been in BDCS for approximately fifteen years. Long never heard Garvin or Goens say  
24 any inappropriate or derogatory remarks toward Sauvao or anyone else. Long never observed  
25 Garvin, Goens, or Stark treat Sauvao differently than any other handler in BDCS.

26  
27 Stark had been assigned to the BDCS for approximately two years. Stark never heard Garvin or  
28 Goens refer to Sauvao as a "coconut head," or "pineapple head." Stark never heard Garvin or  
29 Goens say inappropriate comments about Sauvao. Stark never observed Goens mock or mimic  
30 Phermsangngam. Stark never observed any handlers receive preferential treatment from Goens or  
31 Garvin.

32  
33 On an unknown date, Stark heard Garvin compare the mentality of the PM Watch handlers in the  
34 BDCS with a mafia mentality, including the influence Sauvao appeared to have with those  
35 officers. Stark noted that some of the PM watch appeared closer to each and were supportive of  
36 each other than the officers on Day watch, and some appeared to have an attitude of superiority.  
37 Since the existence of the personnel complaint against Sauvao became known, Stark observed that  
38 some of those officers openly supported Sauvao, and that the demeanor and attitude of some of the  
39 handlers changed. Stark never heard Garvin refer to Sauvao as a "ringleader."  
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1 training they needed when they were struggling or preparing for a TSA evaluation. Garvin did not  
2 believe that Young received preferential treatment.

3  
4 Garvin denied telling Phermsangngam that he better not eat his dog, or telling anyone else not to  
5 let Phermsangngam eat their dog. Garvin never heard Goens tell Phermsangngam not to eat his  
6 (Phermsangngam's) dog.

7  
8 Garvin never observed Goens mock or mimic Phermsangngam by holding his hands together as if  
9 praying, bowing, or squinting his eyes. Garvin never heard Goens say, "Me so sorry" to  
10 Phermsangngam. Garvin was never notified that Goens made any gestures or comments.  
11 Getherall never told Garvin that Phermsangngam was offended, but afraid to report the gestures  
12 and comments to anyone. Garvin denied telling Getherall, "It's just locker room talk, he  
13 (Phermsangngam) has to have a thicker skin." Garvin denied telling Getherall; "You're going to  
14 meet that coconut head?" referring to Sauvao, and Garvin denied ever referring to Sauvao as a  
15 coconut head.

16  
17 Garvin recalled Borquez failing an evaluation in approximately 2013, but did not recall how it was  
18 documented. Prior to the failure, Garvin had several discussions with Borquez about his  
19 (Borquez') performance and keeping up with current training methods and techniques. After the  
20 failure, the discussions with Borquez continued and Borquez decided to voluntarily downgrade  
21 from his trainer position after he entered DROP. Garvin did not threaten Borquez or tell him that  
22 he would be removed from BDCS.

23  
24 Garvin did not discuss personnel issues with Sauvao, and Garvin never told Sauvao that he  
25 (Garvin) was going to make an example out of Getherall.

26  
27 Garvin observed that training was being conducted without including an opportunity for all the  
28 handlers to participate. In response, in approximately May 2016, a new policy was implemented  
29 that every handler and supervisor, whether on or off-duty, had to be notified via text on their City  
30 issued cell-phones of all training that was to occur, giving everyone an equal opportunity to  
31 participate. The new policy was received negatively by some of the handlers. On May 16, 2016,  
32 Sauvao sent out a text at approximately midnight that he was conducting training in the Qantas  
33 terminal. The text received a lot of unnecessary replies. Garvin assumed the replies were in  
34 response to the new policy, in an attempt to make a point by disturbing everyone that was off-duty  
35 at the time. Garvin responded to the terminal where the training was taking place and may have  
36 said to Sauvao, "I know what you are up to," but he was referring to the unnecessary texts. During  
37 the same meeting, Garvin told Sauvao about a rumor that Sauvao was giving preferential training  
38 to handlers who gave Sauvao their overtime shifts. Sauvao denied trading overtime for training  
39 and Garvin believed him. Garvin made reference to the "mafia" when he told Sauvao that he  
40 observed somethings that he liked on PM watch; for example, that they all ate together and trained  
41 together. Garvin compared that behavior to the positive traits in a mafia, but Garvin also told  
42 Sauvao that he did not want the PM watch to adopt some of the bad habits of the mafia such as  
43 excluding others. Garvin did not intend to be demeaning or derogatory.

44  
45 Shortly after meeting Sauvao in the Qantas terminal, Garvin recalled meeting with the BDCS PM  
46 watch during a training in the Port of Los Angeles. Sauvao told Garvin that he wanted a personnel  
47 complaint to be generated based on the rumors about trading overtime for training. Garvin told  
Def. Production: Garvin 100  
City's MSJ Compendium p. 262

1 Sauvao that it was only a rumor, and nobody was accusing him; therefore, there was not going to  
2 be a personnel complaint. Garvin did not recall making the mafia reference at the Port of  
3 Los Angeles or using the term "ringleader" referring to Sauvao.

4  
5 Garvin denied telling Goens, "Look at that coconut head," referring to Sauvao. Garvin denied  
6 referring to Sauvao as a "coconut head" or a "barefoot coconut climber." Garvin never heard  
7 Goens say that Sauvao should "climb a tree and get a coconut" or refer to Sauvao as a Tongan.  
8 Garvin never referred to Franco as a "meathead," and never heard Goens refer to Franco as a  
9 "meathead." Garvin never told Sauvao or Franco to speak English and never heard Goens tell  
10 Sauvao or Franco to speak English.

11  
12 During the administrative search of Sauvao's vehicle, Sauvao never asked Garvin for an employee  
13 representative.

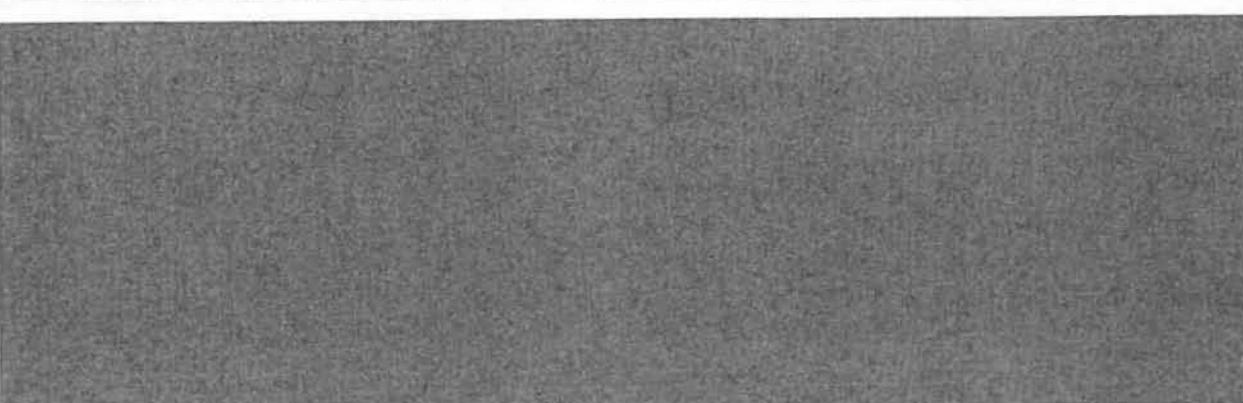
14  
15 Due to the handlers that were involved in making allegations in the different personnel complaints,  
16 and the timing of the personnel complaints being initiated, Garvin believed that the employees  
17 were using the disciplinary system or complaint process to have Garvin transferred from BDCS.

18 Meek became the CO, ESD in March 2016. In the past, Meek had been the Lieutenant QIC of the  
19 BDCS when some of the current handlers were also assigned there. In May 2016, Meek attended a  
20 BDCS training day in the Port of Los Angeles. Meek did not hear Garvin refer to the PM watch as  
21 a mafia, and did not hear Garvin refer to Sauvao as a ringleader. Nobody reported to Meek that  
22 Garvin made those comments.<sup>4</sup>

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<sup>4</sup> In her interview, Macias stated that during the May 2016 training, she notified Meek that Garvin referred to PM watch as a "Mafia" and Sauvao as a "Ringleader."

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**INVESTIGATOR'S NOTES**

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12     1. During his interview, and in his prior interview for CF No. 16-000419, Phermsangngam  
13         discussed his experiences when he was first selected to BDCS, including what was  
14         included in Sauvao's statement. Those issues were addressed in CF No. 17-000419.  
15  
16         The dogs that were assigned to the Bomb Detection K9 unit were owned by the TSA and  
17         loaned to the City. All certifications for the dogs and the handlers were conducted by TSA.  
18         The supervisors assigned to the unit were not trained by the TSA.

19  
20

**ADDENDA**

21     1 A-B. Employee's Report submitted by Sauvao dated March 4, 2017.  
22     2 A-B. Employee's Report submitted by Sauvao dated July 19, 2017.  
23     3 A-S. Government Claim No. C18-02020.

Complaint Investigation, CF Nos. 17-000614  
Page 14  
13.5.1

1 SUBMITTED:

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7 DEMIAN WYMA, Sergeant  
8 Workplace Investigation Section  
9 Internal Affairs Group

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14 APPROVED:

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20 MARK D. DIBELL, Lieutenant  
21 Officer in Charge  
22 Workplace Investigation Section  
23 Internal Affairs Group

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26

27

28 David T. Grimes

29 DAVID T. GRIMES, Captain  
30 Commanding Officer  
31 Administrative Investigation Division  
32 Internal Affairs Group

33

2/15/18  
Date

02-15-18  
Date

2-19-18  
Date

# ADDENDA

CF No. 17-000614



LOS ANGELES POLICE DEPARTMENT  
EMPLOYEE'S REPORT

16 07 00 (04/02)

DR.

LOS ANGELES POLICE DEPARTMENT  
EMPLOYEE RECORD

LOS ANGELES POLICE DEPARTMENT  
EMPLOYEE'S REPORT RECEIVED

61000-11-011111-#2017 -1-1-City's MSJ Compendium p. 270

LOS ANGELES POLICE DEPARTMENT

Def Production- Garvin 109  
City's MSJ Compendium p. 271

# Exhibit G

## Declaration of Horace Frank

I, Horace Frank, declare as follows:

1. I am currently a sworn peace officer working in the Los Angeles Police Department  
2 ("LAPD"). I have worked in the LAPD for 31 years. I currently hold the rank of Deputy Chief and  
3 serve the City of Los Angeles ("City") as the commanding officer of the LAPD's Counter-Terrorism  
4 and Special Operations Bureau ("CTSOB"), a position that I have held since May of 2017. I have  
5 personal knowledge of the facts stated herein and, if called to testify, could and would competently  
6 testify thereto.

7. As the Deputy Chief of CTSOB, my duties and responsibilities involve overseeing and  
8 directing the LAPD's mission in the prevention of terrorism and other threats to public safety,  
9 emergency response to such threats, and preparation of the citizenry and City government for  
10 consequences associated with those threats. The CTSOB is divided into two divisions: Major Crimes  
11 Division ("Major Crimes") and Emergency Services Division ("ESD"), each commanded by a Captain  
12 III who reports directly to me. Major Crimes investigates individuals or groups who plan, threaten,  
13 finance, aid, abet, attempt or perform unlawful acts which threaten public safety. The ESD focuses on  
14 the prevention and mitigation of certain threats to public safety from sources such as criminal activity,  
15 terrorism, and natural disaster through threat assessment, detection, deterrence, and rapid response. Part  
16 of ESD's mission involves the detection and removal of hazardous devices and materials, such as  
17 explosive devices. The ESD has four sections designated for this task, one of which is the Bomb  
18 Detection Canine Section ("BDCS"). The BDCS deploys Explosive Detection K-9 Handlers (or bomb  
19 canine handlers) and specially trained bomb detection dogs to conduct searches for explosives and  
20 explosive devices in the City. I am responsible for overseeing the overall operations of both divisions;  
21 directing the activities of the officers assigned to the divisions and personnel responsible for all  
22 operations of recruitment, selections, promotions, assignments, training, discipline, deployment,  
23 background investigation; and maintaining personnel records of those employees assigned to each of  
24 these divisions.

25. As Deputy Chief and my experience working as a commanding officer in the LAPD for  
26 over fourteen years, I am knowledgeable and trained on the LAPD's Department Manual outlining the  
27 department's management rules and procedures such as the reassignment of department personnel. On  
28

1 March 2, 2017, I reviewed and approved a Request for Reassignment of Lieutenant Raymond Garvin  
2 who at the time worked in the BDCS as the officer-in-charge ("OIC"). The request was submitted to me  
3 and signed by Captain Kathryn Meek, the commanding officer of the ESD. A true and correct copy of  
4 the request I approved is attached hereto and incorporated herein by reference as **Exhibit 5**. I  
5 understood at the time that Garvin was the subject of a personnel complaint investigation by the LAPD's  
6 Internal Affairs Group regarding allegations of a hostile work environment, CF No. 17-000419. A true  
7 and correct copy of the complaint form for CF No. 17-000419 is attached hereto and incorporated herein  
8 by reference as **Exhibit 3**. The complaint alleged that Garvin had yelled at and made inappropriate  
9 comments to his subordinates. The reassignment request was made pursuant to the reassignment  
10 authority granted under the LAPD Department Manual (Volume 3, Section 763.72), which authorizes  
11 the reassignment of lieutenants based on the immediate needs and best interests of the Department. A  
12 true and correct copy of Section 763.72 is attached hereto and incorporated herein by reference as  
13 **Exhibit 1**. I also learned and approved a request to lower Garvin's paygrade based on his failure to  
14 satisfactorily carry out the duties of his assignment as the OIC. A true and correct copy of the request is  
15 attached hereto and incorporated herein by reference as **Exhibit 7**.

16 4. Based on my review of the reassignment request and the complaint form for CF No. 17-  
17 000419, I learned that Garvin's subordinates alleged that Garvin, while acting as their supervisor, called  
18 them profane names and made offensive remarks about them based on their race and gender. Due to the  
19 nature and seriousness of the allegations and the possibility that the pending investigation could prove  
20 the allegations true, I agreed that it was in the best interests of the Department to immediately reassign  
21 Garvin, the alleged source of the hostile work environment, from the unit as a precaution to prevent  
22 further conflict between him and the employees in the BDCS and authorized his reassignment.

23 5. An acting supervisor replaced Garvin during the investigation of the personnel complaint  
24 against Garvin. After completion of the year-long investigation, I reviewed the Letter of Transmittal,  
25 the investigation report, and Captain Meek's adjudication of CF No. 17-000419. I concurred with  
26 Captain Meek's adjudication of the allegations as not resolved and unfounded. True and correct  
27 redacted copies of the Letter of Transmittal, investigation report, and adjudication form I reviewed and  
28 signed are attached hereto and incorporated herein by reference collectively as **Exhibit 8**.

1       6. In addition, I learned of a second personnel complaint investigation against Garvin by  
2 Internal Affairs, CF No. 17-000614. A true and correct copy of the complaint form is attached hereto  
3 and incorporated herein by reference as Exhibit 9. Based on my review of the Letter of Transmittal,  
4 investigation report, and Captain Meek's adjudication, I learned that Garvin was alleged of conducting  
5 more acts similar to the first complaint related to tolerating and making offensive remarks in the  
6 workplace. Captain Meek adjudicated the tolerating of offensive remarks as not resolved while finding  
7 that none of the other allegations rose to the level of misconduct. I concurred with Captain Meek's  
8 adjudication of the allegations as not resolved and unfounded. True and correct redacted copies of the  
9 Letter of Transmittal, investigation report, and adjudication form I reviewed and signed are attached  
10 hereto and incorporated herein by reference collectively as Exhibit 10.

11        7. Although there was no basis to sustain any of the allegations against Garvin for  
12 misconduct from the two investigations, the nature of the allegations, which were all filed by Garvin's  
13 subordinates, showed me that Garvin lost the confidence of his unit as the supervisor and caused the loss  
14 of morale within his unit. As the bureau commander, this caused me great concern in terms of the  
15 potential detriment to the unit's effectiveness to deploy and safely carry out its highly specialized and  
16 hazardous mission in bomb detection and handling. As a specialized unit tasked with handling such  
17 assignments which pose a high potential of danger to both department personnel and the general public,  
18 unit cohesion was imperative and the information I received showed me that Garvin did not have the  
19 right temperament and traits to foster that cohesion and continue working as the supervisor of the unit. I  
20 was concerned that if he continued on in the assignment, he would create more issues later. Therefore, I  
21 believed it was in the Department's best interest not to reassign Garvin back to the BDCS and to instead  
22 allow the acting supervisor, who had already been operating as the officer-in-charge of the BDCS for  
23 over a year, to remain in order to maintain stability and morale within the unit.

24 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
25 true and correct.

26 Executed this 23 day of April, 2019, at 115 Angeles, California.

Horace E. Frank

**DECLARATION OF HORACE FRANK**

# Exhibit H

# Plaintiff's First

# Amended Complaint

CL/AE  
RECEIVED

MAY 02 2018

EMPLOYMENT LITIGATION DIVISION

1 GREGORY W. SMITH (SBN 134385)  
LAW OFFICES OF GREGORY W. SMITH  
2 9100 Wilshire Boulevard, Suite 345 E  
Beverly Hills, California 90212  
3 Telephone: (310) 777-7894  
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FILED  
Superior Court of California  
County of Los Angeles

APR 10 2018

Sherri R. Carter, Executive Officer/Clerk  
By *M. Solo*, Deputy  
Moses Solo

5 KEVIN SALUTE (SBN. 173366)  
**SALUTE LAW**  
6 18801 Ventura Blvd., Suite 208  
Tarzana, CA 91356  
7 Telephone: (818) 981-7373  
E-mail: kevin@salutelaw.com

8 Attorneys for Plaintiff  
9 RAYMOND GARVIN

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES

12 RAYMOND GARVIN, ) Case No. BC694158  
13 Plaintiff, ) Assigned to Hon. Stephanie Bowick,  
14 vs. ) Dept 19  
15 CITY OF LOS ANGELES; and DOES 1 ) FIRST AMENDED COMPLAINT FOR  
16 through 100, inclusive, ) DAMAGES FOR:  
17 Defendants. ) (1) VIOLATION OF LABOR CODE  
18 ) SECTION 1102.5  
19 ) (2) VIOLATION OF THE  
CALIFORNIA FAIR  
EMPLOYMENT AND HOUSING  
ACT – RETALIATION

20 DEMAND FOR JURY TRIAL

21 Action Filed: February 9, 2018  
Trial Date: None set

22  
23 Plaintiff RAYMOND GARVIN ("PLAINTIFF") for himself and no one else, hereby  
complains and alleges as follows:

24 JURISDICTION, VENUE, AND PARTIES

25  
26 1. The events alleged herein occurred within the district of this Court, in the  
27 County of Los Angeles, State of California.  
28 2. Plaintiff is informed and believe and thereon allege that, at all times relevant

1 herefo, defendant City of Los Angeles ("City"), was an entity committing torts in and  
2 engaged as a matter of commercial actuality in purposeful economic activity within the  
3 County of Los Angeles, State of California. At all times pertinent hereto, Defendant City  
4 owned, controlled, and operated the law enforcement agency known as the City of Los  
5 Angeles Police Department.

6       3. Plaintiff is informed and believes and thereupon alleges that defendants  
7 DOES 1 through 33, inclusive, and each of them, were, at all times relevant hereto, public,  
8 business, and/or other entities whose form is unknown, committing torts in and/or  
9 engaged as a matter of commercial actuality, in purposeful economic activity within the  
10 County of Los Angeles, State of California.

11       4. Plaintiff is informed and believes and thereupon alleges that defendants  
12 DOES 34 through 67, inclusive, and each of them, were, at all times relevant hereto,  
13 individuals, residing in and/or committing torts within the County of Los Angeles, State of  
14 California.

15       5. Plaintiff is informed and believes and thereupon alleges that DOES 68  
16 through 100, inclusive, and each of them, at all times relevant hereto, were residents of  
17 the County of Los Angeles, State of California, and were agents, partners, and/or joint  
18 venturers of defendants and/or DOES 1 through 33, inclusive, acting as supervisors,  
19 managers, administrators, owners, and/or directors or in some other unknown capacity.

20       6. The true names and capacities of defendants DOE 1 through 100, and each  
21 of them, whether individual, corporate, associate or otherwise, are unknown to plaintiff at  
22 this time, who therefore sues said defendants by such fictitious names. Plaintiff will file  
23 DOE amendments, and/or ask leave of court to amend this complaint to assert the true  
24 names and capacities of these defendants when they have been ascertained. Plaintiff is  
25 informed and believes, and upon such information and belief alleges, that each defendant  
26 herein designated as a DOE was and is in some manner, negligently, wrongfully, or  
27 otherwise, responsible and liable to plaintiff for the injuries and damages hereinafter  
28 alleged, and that plaintiff's damages as herein alleged were proximately caused by their

1 | conduct.

2       7. Each defendant principal and/or employer herein had advance knowledge of  
3 the unfitness of each defendant agent and/or employee, and employed each such agent  
4 and/or employee with a conscious disregard of the rights or safety of others or otherwise  
5 authorized or ratified the wrongful conduct of each such agent and/or employee. As to  
6 each such corporate or other entity defendant herein, the advance knowledge and  
7 conscious disregard, authorization, ratification, or act of oppression, fraud, or malice was  
8 on the part of an officer, director, or managing agent of the corporation or other entity.

9       8. Plaintiff is further informed and believes that, at all times relevant hereto,  
10 Defendants, and each of them, acted in concert and in furtherance of the interests of each  
11 other defendant.

12       9. This Court is the proper court because injury or damage to Plaintiff and/or  
13 the personal property of same occurred in its jurisdictional area.

## **FACTS APPLICABLE TO ALL CAUSES OF ACTION**

10. From in or around 1988 until the present, Plaintiff has been employed by the  
11 City of Los Angeles as a sworn peace officer in the Los Angeles Police Department (the  
12 "Department"). Plaintiff attained the rank of Lieutenant in or around 2005, and attained  
13 the rank of Lieutenant II in or around 2007.

19       11. Beginning in or around 2012, Plaintiff was assigned to as the Officer in  
20 Charge ("OIC") of the Emergency Services Division ("ESD"), Bomb Detection Canine  
21 Section ("BDCS"), which is a coveted Lieutenant II + II position. When Plaintiff became  
22 OIC of the BDCS, it was comprised of Plaintiff, two sergeants, and approximately 15  
23 police officer canine handlers. Each handler worked with an on-leash bomb detection  
24 canine.

25       12. After Plaintiff became the OIC of the BDCS, he created and secured grant  
26 funding for three additional officer-canine teams. These teams were developed to perform  
27 more specialized and sophisticated searches, including off-leash searches and searches  
28 to detect small vapors emitted by explosives. One of the officers in these three grant-

1 funded canine teams was Officer Tom Deluccia.

2       13. In or about early 2015, Plaintiff learned that Captain Kathryn Meek might be  
3 replacing Captain John Incontro as the Commanding Officer of ESD. Upon learning this  
4 information, Plaintiff expressed concerns to Incontro that Meek's romantic relationship  
5 with a subordinate bomb detection canine officer under Plaintiff's command would create  
6 a conflict with Plaintiff and others. More specifically, Plaintiff expressed concerns that  
7 because the subordinate officer had conflicts with Plaintiff over work performance, Meek  
8 would retaliate against Plaintiff to create favor for the officer. In addition, Plaintiff believed  
9 that Meek might request and give more favorable treatment to her love interest as  
10 opposed to other officers including female officers who may be more qualified. Plaintiff  
11 reasonably believed that he was reporting a potential violation of one or more local, state,  
12 and/or federal statutes and regulations, including but not limited to California Fair  
13 Employment and Housing Act. In or about early 2016, Plaintiff again reiterated his  
14 concerns to Captain Rolando Solano who had briefly replaced Incontro.

15       14. In or around March of 2016, Meek became the Commanding Officer of ESD.  
16 Meek had previously held Plaintiff's position, and had remained very close to various male  
17 police officers in the Unit, including Officer Deluccia, with whom she had been in a  
18 romantic relationship. As the Commanding Officer of ESD, Meek took various actions to  
19 benefit the male officers she was close to, including Deluccia and officers close to  
20 Deluccia.

21       15. First, before Meek even started as the Commanding Officer of ESD, she  
22 called Plaintiff and informed him that she was moving the three grant-funded canine  
23 teams from the BDCS to the Bomb Squad, which is a separate unit in ESD. Although  
24 Plaintiff requested to discuss this move and its problematic consequences with Meek,  
25 Meek refused to have any discussion with Plaintiff.

26       16. Meek's movement of the three grant-funded canine teams from the BDCS to  
27 the Bomb Squad created various advantages for Deluccia and the other two officers on  
28 those teams. Most notably, prior to Meek's decision, all approximately 18 of the officer-

1 canine teams in the BDCS participated in a rotation for Bomb Squad call outs and special  
2 overtime details. After Meek moved the three grant-funded canine teams to the Bomb  
3 Squad, however, Bomb Squad call outs and special overtime details were assigned  
4 exclusively to those three teams, resulting in greater overtime for those three officers.

5       17. In the spring of 2016, a Trainer position (a Police Officer III + 5) became  
6 vacant in the BDCS. Officer Mark Sauvao, who already held a Trainer position, wanted  
7 one of his close friends to fill the vacant position. Plaintiff selected Officer Ara Hollenbeck  
8 for the position. Sauvao was upset and set out to undermine Hollenbeck.

9       18. On or about early to mid-April 2016, Hollenbeck participated in a bomb  
10 detection canine Transportation Safety Administration ("TSA") certification test at the  
11 Bradley International Terminal at the Los Angeles International Airport. Foreign scent  
12 items were found planted in the testing area in what appeared to be an attempt to make  
13 the dog falsely alert so that Hollenbeck and his dog would fail the certification and not  
14 qualify for the trainer position. Surveillance footage showed Sauvao entering the  
15 certification testing area just thirty minutes before the test, and with no justifiable reason.  
16 Plaintiff reported this information to Meek and LAPD Internal Affairs, reasonably believing  
17 that he was reporting a violation of the law by Sauvao by intentionally interfering with the  
18 bomb detection canine in the performance of his duties at a commercial airport. Los  
19 Angeles International Airport is considered a commercial airport. Plaintiff reasonably  
20 believed that he disclosed violations of one or more local, state, and/or federal statutes  
21 and regulations, including but not limited to California *Penal Code* section 600, subdivision  
22 (b), Los Angeles City *Municipal Code* section 49.5.5, and 49 U.S. Code § 46503 -  
23 Interference with security screening personnel.

24       19. On or about April 24, 2016, a personnel complaint was then initiated against  
25 Sauvao for tampering/attempts to sabotage Hollenbeck's TSA certification by placing  
26 pieces of canine reward in certain places to make the dog falsely alert.

27       20. Sauvao was strongly against Hollenbeck's appointment and voiced his  
28 opinion to the BDCS Sergeants, Plaintiff and Meek. On or about May 6, 2016, within days

1 of making the report regarding Sauvao, Meek verbally accused Plaintiff of various work  
2 deficiencies based only on hearsay. When Plaintiff asked for specific details of any of the  
3 deficiencies, Meek could not provide any.

4 21. On or about May 15, 2016, Hollenbeck was appointed as the new trainer by  
5 Plaintiff.

6 22. On or about June 16, 2016, Meek served Plaintiff with a comment card that  
7 accused him of bullying his subordinates.

8 23. On or about July 14, 2016, Plaintiff met with Commander Horace Frank and  
9 Captain Stephen Sambar to discuss the comment card. During the meeting, Plaintiff  
10 informed Frank and Sambar that Meek had moved the three grant-funded canine teams to  
11 the Bomb Squad because of her prior romantic relationship with Deluccia. Plaintiff  
12 reiterated his prior comments that he had made to Incontro and Solano about Meeks'  
13 romantic relationship with Deluccia and how she was using the relationship to retaliate  
14 against Plaintiff. Plaintiff also told Frank and Sambar that Meek had, in fact, given more  
15 favorable treatment to Deluccia instead of other officers who may be more qualified,  
16 thereby creating the potential for officers to claim discrimination or some other type of  
17 favoritism to Deluccia because of his relationship with Meek. Plaintiff reasonably believed  
18 that this information disclosed violations of one or more local, state, and/or federal  
19 statutes and regulations, including but not limited to California *Penal Code* section 600,  
20 subdivision (b), Los Angeles City *Municipal Code*, and section 49.5.5, 49 U.S. Code §  
21 46503 - Interference with security screening personnel, and the California Fair  
22 Employment and Housing Act. During the meeting, Plaintiff also informed Frank and  
23 Sambar that Plaintiff believed Meek had issued the comment card to retaliate against  
24 Plaintiff. At that point, Sambar threatened Plaintiff, telling him that if he was saying he  
25 was a victim of retaliation, he needed to report it and his failure to do so could be deemed  
26 misconduct.

27 24. On or about October 19, 2016, Sauvao became aware of the personnel  
28 complaint against him because his vehicle and locker were searched. Plaintiff was

1 present during the searches.

2       25. In or about December 2016, Plaintiff reported to his Sergeants and to Capt.  
3 Meek that Sauvao "went off" on him and told him that "everyone (at BDCS) hates you!"  
4 Sauvao became increasingly hostile toward Plaintiff. Eventually, Plaintiff issued a Notice  
5 to Correct to Sauvao.

6       26. In or about February 2017, Sauvao was interviewed by Internal Affairs  
7 regarding the tampering complaint against him. Shortly after that interview, Sauvao and  
8 other officers in BDCS aligned with him began to make retaliatory complaints of  
9 misconduct against Plaintiff. Those complaints resulted in personnel complaints against  
10 Plaintiff for, inter alia, hostile work environment.

11       27. On or about March 1, 2017, Meek requested that Plaintiff be removed from  
12 his position in BDCS and that he be reassigned from Emergency Services Division. Meek  
13 further requested that Plaintiff be stripped of supervisory responsibilities and that he be  
14 assigned to non-supervisory duties for allegedly creating a hostile work environment  
15 within BDCS. Meek subsequently requested that Plaintiff also be stripped of his paygrade  
16 advancement and that he be downgraded from a Lieutenant II+II position to a Lieutenant I  
17 position. The downgrade became effective on or about July 9, 2017.

18       28. Plaintiff has complied with and/or exhausted any applicable claims statutes  
19 and/or administrative and/or internal remedies and/or grievance procedures, or are  
20 excused from complying therewith. More specifically, on or about August 29, 2017,  
21 Plaintiff filed a Governmental Claim for Damages Pursuant to California Government  
22 Code §§905 and 910, et seq, and the claim was rejected either expressly or as a matter of  
23 law. Plaintiff filed an Amended Governmental Claim for Damages Pursuant to California  
24 Government Code §§905 and 910 et seq. on or about December 6, 2017 and the claim  
25 was rejected either expressly or as a matter of law. True and correct copies of said claims  
26 are attached hereto as Exhibits "1" and "2", respectively. On or about February 8, 2018,  
27 Plaintiff filed an administrative complaint with the California Department of Fair  
28 Employment and Housing and received an immediate Right to Sue Letter. A true and

1 correct copy of said letter is attached hereto as Exhibit "3."

2                   FIRST CAUSE OF ACTION FOR RETALIATION

3                   IN VIOLATION OF LABOR CODE §1102.5

4                   (Against all Defendants, and Each of Them)

5                 29. Plaintiff incorporates the allegations contained in paragraphs 1 through 28  
6 as though herein alleged.

7                 30. Plaintiff engaged in one or more protected acts by disclosing what he  
8 reasonably believed to be violations of one or more local, state, and/or federal statutes  
9 and regulations, including but not limited to California *Penal Code* section 600, subdivision  
10 (b), Los Angeles City *Municipal Code*, and section 49.5.5, 49 U.S. Code § 46503 -  
11 Interference with security screening personnel, and the California Fair Employment and  
12 Housing Act.

13                31. Plaintiff alleges that the conduct described herein is a violation of *Labor*  
14 *Code* sections 1102.5, and 1102.6 and that a contributing factor for the Defendants'  
15 conduct was to retaliate against Plaintiff for engaging in the protected activities as  
16 discussed above. More specifically, Plaintiff's disclosure of information to his supervisors  
17 that he reasonably believed were violations of California *Penal Code* section 600,  
18 subdivision (b), Los Angeles City *Municipal Code* section 49.5.5, 49 U.S. Code § 46503 -  
19 Interference with security screening personnel, and the California Fair Employment and  
20 Housing Act, and other applicable federal, state, and local statutes and regulations, was a  
21 contributing factor to the Los Angeles Police Department's decision for removing Plaintiff  
22 from his position and downgrading him.

23                32. As a result, Plaintiff has lost and will continue to lose a coveted position,  
24 standby pay, overtime, a take-home car, his field bonus, and other privileges and benefits,  
25 and suffer damage to his reputation.

26                33. As a result, Plaintiff has lost and will continue to lose income and other  
27 privileges and benefits, and has sustained and will continue to sustain damage to his  
28 reputation. Further, the Department's actions against Plaintiff have impacted and/or are

1 likely to impact his ability to obtain post-retirement opportunities.

2 34. Plaintiff further alleges that as an actual and proximate result of the  
3 retaliatory conduct taken by the Los Angeles Police Department, Plaintiff suffered damage  
4 and harm to his reputation in the Department.

5       35. Plaintiff further alleges that as an actual and proximate result of the  
6 retaliatory conduct taken by the Los Angeles Police Department, Plaintiffs has suffered  
7 and will continue to suffer loss of income, including overtime and pension, and loss of  
8 other privileges and benefits.

9       36. Plaintiff further alleges that the foregoing retaliatory actions will substantially  
10 and adversely affect Plaintiff's ability to advance and/or promote in the Department, and  
11 his ability to secure and/or increase his earning capacity with regard to employment  
12 outside the LAPD and/or after his retirement from the LAPD.

13       37. Plaintiff further alleges that as an actual and proximate result of said  
14 conduct, Plaintiff suffered emotional distress

15 38. Plaintiff alleges past and continuing retaliatory conduct by the Los Angeles  
16 Police Department such that their damages and injuries are continuing.

17       39. Plaintiff further alleges that as an actual and proximate result of the  
18 retaliatory conduct of the Los Angeles Police Department, they have incurred and will  
19 continue to incur attorney's fees under the applicable provisions.

**SECOND CAUSE OF ACTION**

**FOR VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT**

## AND HOUSING ACT – RETALIATION

(Against Defendants, and Each of Them)

40. Plaintiff incorporates by reference the allegations of paragraphs 1 through  
26 as if set forth in full herein.

27 41. Plaintiff reported information to his supervisors that constituted what he  
28 reasonably believed to be sexual favoritism and/or discrimination in violation of the Fair

## **1 Employment and Housing Act.**

2 42. As a result of engaging in said protected activity, Defendants subjected to  
3 Plaintiff to one or more adverse employment actions by, inter alia, removing him from a  
4 coveted position and downgrading him from his position.

6       43. The conduct as set forth above constituted retaliation thereby creating a  
7 continuing violation actionable under, among other things, California Government Code  
8 §12940, *et seq.*

9       44. The aforementioned unlawful employment practices on the part of  
10 defendants, and each of them, were a substantial motivating factor in causing damages  
11 and injuries to Plaintiff.

12       45. As a result of the aforesaid unlawful acts of defendants, and each of them,  
13 Plaintiff has lost and may continue to lose income, in an amount to be proven at time of  
14 trial. Plaintiff claims such amount as damages together with prejudgment interest  
15 pursuant to California Civil Code §3287 and/or any other provision of law providing for  
16 prejudgment interest.  
17

18       46. As a further result of the aforesaid unlawful acts of defendants, and each of  
19 them, Plaintiff has suffered irreparable damage to his reputation and career within the Los  
20 Angeles Police Department including the loss of ability to promote, was personally  
21 humiliated and has become mentally upset, distressed and aggravated. Plaintiff claims  
22 general damages for such loss of reputation, mental distress and aggravation in an  
23 amount in excess of the minimum jurisdiction of the Court to be proven at the time of trial.

24       47. Plaintiff further alleges that as an actual and proximate result of the  
25 retaliatory conduct of the Los Angeles Police Department, he has incurred and will  
26 continue to incur attorney's fees under the applicable provisions.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment against all Defendants, and each of them,

1 | as follows:

2       1. General damages for physical, mental, and emotional injuries, pain, distress,  
3 suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured  
4 feelings, shock, humiliation, indignity, damage to reputation, aggravation, inconvenience,  
5 and other non-economic damages in a sum to be ascertained according to proof;

6       2. Economic damages for loss of income, wages, earnings, earning capacity,  
7 expenses for health care, services, supplies, medicines, health care appliances,  
8 modalities, and/or other related expenses as well as other economic loss in an amount  
9 according to proof;

10       3. For other incidental and consequential damages in an amount according to  
11 proof;

12       4. For prejudgment interest pursuant to California Civil Code §3287 and/or any  
13 other provision of law providing for prejudgment interest;

14       5. For other incidental and consequential damages in an amount according to  
15 proof;

16 6. For attorney's fees as proper in an amount according to proof;

17 7. For costs of suit herein; and

Respectfully submitted,

20 | Dated: April 9, 2018

SALUTE LAW

By:

Dr. S. M. B.

~~KEVIN SALUTE~~  
Attorneys for Plaintiff

REDACTED

## EXHIBIT "1"

COPY

1 GREGORY W. SMITH (SBN 134385)  
2 DIANA WANG WELLS (SBN 284215)  
2 LEILA K. AL FAIZ (SBN 284309)  
3 LAW OFFICES OF GREGORY W. SMITH  
3 9100 Wilshire Boulevard, Suite 345E  
Beverly Hills, California 90212  
4 Telephone: (310) 777-7894  
Telecopier: (310) 777-7895

5 Attorneys for Claimant  
6 RAYMOND GARVIN

7

8 STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES  
10 GOVERNMENT CLAIM  
11

12 IN THE MATTER OF THE CLAIM OF  
12 CLAIMANT RAYMOND GARVIN,

13 Claimant,  
14 vs.

15 CITY OF LOS ANGELES, and DOES 1  
15 through 100, inclusive,

16 Respondents.

17 GOVERNMENT CLAIM FOR DAMAGES  
17 PURSUANT TO CALIFORNIA  
17 GOVERNMENT CODE §§ 905 AND 910,  
17 et seq.

18  
19 Please be advised that Claimant Raymond Garvin ("Claimant") hereby submits a  
20 Governmental Claim pursuant to Government Code sections 905 and 910, et seq. and  
21 other authorities.

22 1. NAME AND ADDRESS OF CLAIMANT: Raymond Garvin, c/o Gregory W.  
23 Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E,  
24 Beverly Hills, California 90212.

25 2. ADDRESS TO SEND ALL CLAIMS AND OTHER NOTICES: Gregory W.  
26 Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E,  
27 Beverly Hills, California 90212, Telephone: (310) 777-7894, Fax: (310) 777-7895.

28 3. TIMELINESS OF CLAIM: Claimant has timely filed a Government Claim

-1-

CLM FOR DAMAGES AND OTHER RELIEF

JULY 11, 2018

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CITY CLERK  
BY DEPUTY

1 within six months of one of the acts of retaliation Claimant has suffered as a result of  
2 refusing to participate in and/or complaining of illegal practices in the Los Angeles Police  
3 Department.

4       **4. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE**  
5       **OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE**  
6       **CLAIMS ASSERTED:**

7       **Date:** In or around March of 2016, and continuing.

8       **Place:** 2029 North Main Street, Los Angeles, California 90012, and 6605 W.  
9       Imperial Highway, Los Angeles, CA 90045.

10      **Facts:** From in or around 1988 until the present, Claimant has been employed by  
11     the City of Los Angeles as a sworn peace officer in the Los Angeles Police Department  
12     (the "Department"). Claimant attained the rank of Lieutenant in or around 2005, and  
13     attained the rank of Lieutenant II in or around 2007.

14      Beginning in or around 2012, Claimant was assigned to as the Officer in Charge of  
15     the Emergency Services Division Bomb Canine Unit, which is a Lieutenant II + 2 position.  
16     When Claimant became OIC of the Bomb Canine Unit, it was comprised of Claimant, two  
17     sergeants, and approximately 15 police officers, each of which worked with an on-leash  
18     bomb detection canine..

19      After Claimant became the OIC of the Bomb Canine Unit, he created and secured  
20     grant funding for three additional officer-canine teams. These teams were developed to  
21     perform more specialized and sophisticated searches, including off-leash searches and  
22     searches to detect small vapors emitted by explosives. One of the officers in these three  
23     grant-funded canine teams was Police Officer Tom Deluccia.

24      In or around March of 2016, Captain Kathryn Meek became the Commanding  
25     Officer of Emergency Services Division ("ESD"). Captain Meek had previously held  
26     Claimant's position, and had remained very close to various male police officers in the  
27     Unit, including Officer Deluccia, with whom she had been in a romantic relationship. As  
28     the Commanding Officer of ESD, Captain Meek took various actions to benefit the male  
officers she was close to, including Deluccia and officers close to Deluccia.

1       First, before Captain Meek even started as the Commanding Officer of ESD, she  
2 called Claimant and informed him that she was moving the three grant-funded canine  
3 teams from the Bomb Canine Unit to the Bomb Squad, which is a separate unit in ESD.  
4 Although Claimant requested to discuss this move and its problematic consequences with  
5 Captain Meek, Meek refused to have any discussion with Claimant.

6       Captain Meek's movement of the three grant-funded canine teams from the Bomb  
7 Canine Unit to the Bomb Squad created various advantages for Officer Deluccia and the  
8 other two officers on those teams. Most notably, prior to Captain Meek's decision, all  
9 approximately 18 of the officer-canine teams in the Bomb Canine Unit participated in a  
10 rotation for Bomb Squad call outs and special overtime details. After Captain Meek  
11 moved the three grant-funded canine teams to the Bomb Squad, however, Bomb Squad  
12 call outs and special overtime details were assigned exclusively to those three teams,  
13 resulting in greater overtime for those three officers.

14       In addition, later in 2016, Captain Meek refused to remove Officer Mark Sauvao.  
15 from the Bomb Canine Unit, despite the fact that he was being investigated for criminal  
16 allegations of attempting to sabotage a colleague's bomb detection certification test, and  
17 despite the fact that Sauvao's retention in the Unit during the investigation was provoking  
18 retaliation against the colleague.

19       Specifically, earlier in 2016, a Trainer position (a Police Officer III + 5) became  
20 vacant in the Bomb Canine Unit. Officer Sauvao, who already held a Trainer position,  
21 wanted one of his close friends to fill the vacant position. When a different officer was  
22 selected for the position, Officer Sauvao was upset and set out to undermine the new  
23 Trainer.

24       On or about April 27, 2016, the new Trainer participated in a bomb detection canine  
25 certification test. Shortly thereafter, foreign scent items were found planted in the testing  
26 area, and surveillance footage showed Officer Sauvao entering the certification testing  
27 area just thirty minutes before the test, and with no justifiable reason. Claimant reported  
28 this information to Captain Meek and LAPD Internal Affairs, reasonably believing that it

1 disclosed violations of one or more local, state, and/or federal statutes and regulations,  
2 including but not limited to California *Penal Code* section 600, subdivision (b), and Los  
3 Angeles City *Municipal Code* section 49.5.5.

4 Within ten days, on or about May 6, 2016, Captain Meek verbally accused Claimant  
5 of various work deficiencies based only on hearsay. When Claimant asked for specific  
6 details of any of the deficiencies, Meek could not provide any.

7 On or about June 16, 2016, Captain Meek served Claimant with a comment card  
8 that accused him of bullying his subordinates.

9 On or about July 14, 2016, Claimant met with Commander Horace Frank and  
10 Captain Stephen Sambar to discuss the comment card. During the meeting, Claimant  
11 informed Commander Frank and Captain Sambar that Captain Meek had moved the three  
12 grant-funded canine teams to the Bomb Squad because of her prior romantic relationship  
13 with Deluccia. Claimant reasonably believed that this information disclosed violations of  
14 one or more local, state, and/or federal statutes and regulations, including but not limited  
15 to Los Angeles City *Municipal Code* section 49.5.5.

16 During the meeting, Claimant also informed Commander Frank and Captain  
17 Sambar that Claimant believed Meek had issued the comment card to retaliate against  
18 Claimant. At that point, Captain Sambar threatened Claimant, telling him that if he was  
19 saying he was a victim of retaliation, he needed to report it and his failure to do so could  
20 be deemed misconduct.

21 **6. GENERAL DESCRIPTION OF INJURY:**

22 After Claimant disclosed information to his supervisors that he reasonably believed  
23 disclosed violations of California *Penal Code* section 600, subdivision (b), Los Angeles  
24 City *Municipal Code* section 49.5.5, and other applicable federal, state, and local statutes  
25 and regulations, the Los Angeles Police Department retaliated against Claimant.

26 Specifically, on or about March 1, 2017, Claimant was permanently stripped of his  
27 coveted position and transferred to a humiliating assignment in which he uses none of his  
28 specialized law enforcement skills, training, or experience. As a result, Claimant has lost

1 and will continue to lose a coveted position, standby pay, overtime, a take-home car, his  
2 field bonus, and other privileges and benefits, and suffer damage to his reputation.

3 In addition, on or about July 9, 2017, Claimant was downgraded from a Lt. II to a Lt.  
4 I. As a result, Claimant has lost and will continue to lose income and other privileges and  
5 benefits, and has sustained and will continue to sustain damage to his reputation.  
6 Further, the Department's actions against Claimant have impacted and/or are likely to  
7 impact his ability to obtain post-retirement opportunities.

8 Claimant alleges that the conduct described herein is a violation of *Labor Code*  
9 sections 1102.5, and 1102.6. Claimant further alleges that as an actual and proximate  
10 result of said conduct, Claimant suffered emotional distress and lost past and future  
11 earnings, including loss of overtime and loss of pension. Claimant also claims attorney's  
12 fees under the applicable provisions.

13 5. **KNOWN WITNESSES:** Captain Kathryn Meek, P III+3 Tom Deluccia, P III+5,  
14 Mark Sauvao, Commander Horace Frank, Captain Stephen Sambar (retired), Sgt II+3  
15 Randy Goens, Sgt II+3 Deana Stark, Sgt. Mitch Lambdin (retired), Clerk Typist Leslie  
16 Edwards P III+5 Ara Hollenback, P III+3 John Borquez, P III+3 John Long, P III+3 Pete  
17 Phemsangngam, P III+3 Al Franco, P III+3 Eric Young, P III+3 Ken Thatcher, P III+3 Joe  
18 Getherall, P III+3 Leslie Salinas, P III+3 Kevin Grogan, P III+3 Darryl Norwood, P III+3  
19 Jeremy Cohen, P III+3 Sandra Sanchez, P III+3 Sunny Sasajima, all officers assigned to  
20 the ESD Bomb Squad, LAWAPD Captain Mario Patrick, LAWAPD Lt. Edward Trahan,  
21 LAWAPD Sgt. Able Torres, LAWAPD Sgt. Heriberto Gonzalez, LAWAPD Sgt. George  
22 Jarvis (retired), LAWAPD Sgt. Floyd Johnson, and potentially other employees of the Los  
23 Angeles Police Department Emergency Services Division, and potentially other  
24 employees of the Los Angeles World Airports Police Department.

25 7. **AMOUNTS CLAIMED:**

26 Pursuant to *Government Code* section 910(f), the amount of compensatory and  
27 other damages claimed exceeds \$10,000 and will lie within the unlimited jurisdiction of the  
28 Superior Court. Claimant also claims and seeks to recover herein statutory and other

1 penalties, damages, attorney's fees, expert fees, costs as provided by law, including, *inter*  
2 *alia*, C.C.P. section 1021.5, Labor Code sections 923, 1101, 1102, 1102.5, et seq., and  
3 2698, et seq. Government Code sections 3300, et seq., 3300, et seq., and 53298, et seq.,  
4 and/or other applicable authorities.

5

6 Dated: August 28, 2017

LAW OFFICES OF GREGORY W. SMITH

7

8 By:

9   
10 GREGORY W. SMITH  
DIANA WANG WELLS  
LEILA K. AL FAIZ  
Attorneys for Claimant  
RAYMOND GARVIN

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-6-

CLAIM FOR DAMAGES AND OTHER RELIEF

**PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age  
of 18 years of age, and am not a party to the within action; my business address is  
Messenger Express, 5062 Lankershim Boulevard, Suite 135, North Hollywood, California  
91601.

7 On the date hereinbelow specified, I served the foregoing document, described as  
8 set forth below on the interested parties in this action by placing the original thereof  
enclosed in sealed envelopes, at North Hollywood, addressed as follows:

**DATE OF SERVICE** : August 29, 2017

11 DOCUMENT SERVED : GOVERNMENT CLAIM FOR DAMAGES PURSUANT  
12 TO CALIFORNIA GOVERNMENT CODE §§905 and  
910, et seq.

13 PARTIES SERVED : City Clerk's Office  
City of Los Angeles  
200 North Spring Street, Room 395  
Los Angeles, California 90012

14

(BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**XXX** (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED at Beverly Hills, California on August 29, 2017.

 (Signature)

Print Name: William BELTRAN

LIGHTNING MESSENDER EXPRESS

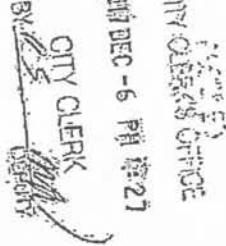
**CLAIM FOR DAMAGES AND OTHER RELIEF**

Q&A 11/17/2016

## EXHIBIT "2"

COPY

1 GREGORY W. SMITH (SBN 134385)  
DIANA WANG WELLS (SBN 284215)  
2 LEILA K. AL FAIZ (SBN 284309)  
LAW OFFICES OF GREGORY W. SMITH  
3 9100 Wilshire Boulevard, Suite 345E  
Beverly Hills, California 90212  
4 Telephone: (310) 777-7894  
Telecopier: (310) 777-7895  
5  
6 Attorneys for Claimant  
RAYMOND GARVIN  
7



8 STATE OF CALIFORNIA.  
9  
10 COUNTY OF LOS ANGELES  
11  
12 GOVERNMENT CLAIM

13 IN THE MATTER OF THE CLAIM OF  
14 CLAIMANT RAYMOND GARVIN,

15 Claimant,  
vs.  
CITY OF LOS ANGELES, and DOES 1  
through 100, inclusive,  
Respondents.

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GOVERNMENT CLAIM FOR DAMAGES  
PURSUANT TO CALIFORNIA  
GOVERNMENT CODE §§ 905 and 910,  
et seq. (Amended)

Please be advised that Claimant Raymond Garvin ("Claimant") hereby submits a  
Governmental Claim pursuant to Government Code sections 905 and 910, et seq. and  
other authorities.

1. NAME AND ADDRESS OF CLAIMANT: Raymond Garvin, c/o Gregory W. Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.
2. ADDRESS TO SEND ALL CLAIMS AND OTHER NOTICES: Gregory W. Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212, Telephone: (310) 777-7894, Fax: (310) 777-7895.
3. TIMELINESS OF CLAIM: Claimant has timely filed a Government Claim

1  
CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)

1 within six months of one of the acts of retaliation Claimant has suffered as a result of  
2 refusing to participate in and/or complaining of illegal practices in the Los Angeles Police  
3 Department.

4. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE  
5. OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE  
CLAIMS ASSERTED:

6 Date: In or around March of 2016, and continuing.

7 Place: 2029 North Main Street, Los Angeles, California 90012, and 6605 W.  
8 Imperial Highway, Los Angeles, CA 90045.

9       **Facts:** From in or around 1988 until the present, Claimant has been employed by  
10 the City of Los Angeles as a sworn peace officer in the Los Angeles Police Department  
11 (the "Department"). Claimant attained the rank of Lieutenant in or around 2005, and  
12 attained the rank of Lieutenant II in or around 2007.

13 Beginning in or around 2012, Claimant was assigned to as the Officer in Charge of  
14 the Emergency Services Division Bomb Canine Unit, which is a Lieutenant II + 2 position.  
15 When Claimant became OIC of the Bomb Canine Unit, it was comprised of Claimant, two  
16 sergeants, and approximately 15 police officers, each of which worked with an on-leash  
17 bomb detection canine.

After Claimant became the OIC of the Bomb Canine Unit, he created and secured grant funding for three additional officer-canine teams. These teams were developed to perform more specialized and sophisticated searches, including off-leash searches and searches to detect small vapors emitted by explosives. One of the officers in these three grant-funded canine teams was Police Officer Tom Deluccia.

In or about early 2015, Plaintiff learned that Captain Kathryn Meek might be replacing Capt. John Incontro as the Commanding Officer of Emergency Services Division ("ESD"). Upon learning this information, Plaintiff expressed concerns to Capt. Incontro that Meek's romantic relationship with a subordinate bomb-detection canine officer under Plaintiff's command would create a conflict with Plaintiff and others. More specifically, Plaintiff expressed concerns that because the subordinate officer had conflicts with

1 Plaintiff over work performance, Meek would retaliate against Plaintiff to create favor for  
2 the officer. In addition, Plaintiff believed that Meek might request and give more favorable  
3 treatment to her love interest as opposed to other officers who may be more qualified.  
4 Plaintiff reasonably believed that he was reporting a potential violation of one or more  
5 local, state, and/or federal statutes and regulations, including but not limited to California  
6 Fair Employment and Housing Act. In or about early 2016, Plaintiff again reiterated his  
7 concerns to Capt. Rolando Solano.

8 In or around March of 2016, Capt Meek became the Commanding Officer of ESD.  
9 Captain Meek had previously held Claimant's position, and had remained very close to  
10 various male police officers in the Unit, including Officer Deluccia, with whom she had  
11 been in a romantic relationship. As the Commanding Officer of ESD, Captain Meek took  
12 various actions to benefit the male officers she was close to, including Deluccia and  
13 officers close to Deluccia..

14 First, before Captain Meek even started as the Commanding Officer of ESD, she  
15 called Claimant and informed him that she was moving the three grant-funded canine  
16 teams from the Bomb Canine Unit to the Bomb Squad, which is a separate unit in ESD.  
17 Although Claimant requested to discuss this move and its problematic consequences with  
18 Captain Meek, Meek refused to have any discussion with Claimant.

19 Captain Meek's movement of the three grant-funded canine teams from the Bomb  
20 Canine Unit to the Bomb Squad created various advantages for Officer Deluccia and the  
21 other two officers on those teams. Most notably, prior to Captain Meek's decision, all  
22 approximately 18 of the officer-canine teams in the Bomb Canine Unit participated in a  
23 rotation for Bomb Squad call outs and special overtime details. After Captain Meek  
24 moved the three grant-funded canine teams to the Bomb Squad, however, Bomb Squad  
25 call outs and special overtime details were assigned exclusively to those three teams,  
26 resulting in greater overtime for those three officers.

27 In addition, later in 2016, Captain Meek refused to remove Officer Mark Sauvao  
28 from the Bomb Canine Unit, despite the fact that he was being investigated for criminal

1 allegations of attempting to sabotage a colleague's bomb detection certification test, and  
2 despite the fact that Sauvao's retention in the Unit during the investigation was provoking  
3 retaliation against the colleague.

4 Specifically, earlier in 2016, a Trainer position (a Police Officer I/I + 5) became  
5 vacant in the Bomb Canine Unit. Officer Sauvao, who already held a Trainer position,  
6 wanted one of his close friends to fill the vacant position. When a different officer was  
7 selected for the position, Officer Sauvao was upset and set out to undermine the new  
8 Trainer.

9 On or about April 27, 2016, the new Trainer participated in a bomb detection canine  
10 certification test. Shortly thereafter, foreign scent items were found planted in the testing  
11 area, and surveillance footage showed Officer Sauvao entering the certification testing  
12 area just thirty minutes before the test, and with no justifiable reason. Claimant reported  
13 this information to Captain Meek and LAPD Internal Affairs, reasonably believing that it  
14 disclosed violations of one or more local, state, and/or federal statutes and regulations,  
15 including but not limited to California Penal Code section 600, subdivision (b), Los  
16 Angeles City Municipal Code section 49.5.5, and 49 U.S. Code § 46503 - Interference  
17 with security screening personnel.

18 Within ten days, on or about May 6, 2016, Captain Meek verbally accused Claimant  
19 of various work deficiencies based only on hearsay. When Claimant asked for specific  
20 details of any of the deficiencies, Meek could not provide any.

21 On or about June 16, 2016, Captain Meek served Claimant with a comment card  
22 that accused him of bullying his subordinates.

23 On or about July 14, 2016, Claimant met with Commander Horace Frank and  
24 Captain Stephen Sambar to discuss the comment card. During the meeting, Claimant  
25 informed Commander Frank and Captain Sambar that Captain Meek had moved the three  
26 grant-funded canine teams to the Bomb Squad because of her prior romantic relationship  
27 with Deluccia. Claimant reiterated his prior comments that he had made to Incontro and  
28 Solano about Meeks' romantic relationship with Deluccia and how she was using the

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\_\_\_\_\_  
CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)

1 relationship to retaliate against Claimant. Claimant also told Frank and Sambar that Meek  
2 had, in fact, given more favorable treatment to Deluccia instead of other officers who may  
3 be more qualified, thereby creating the potential for officers to claim discrimination or  
4 some other type of favoritism to Deluccia because of his relationship with Meek. Claimant  
5 reasonably believed that this information disclosed violations of one or more local, state,  
6 and/or federal statutes and regulations, including but not limited to California *Penal Code*  
7 section 600, subdivision (b), Los Angeles City *Municipal Code*, and section 49.5.5, 49  
8 U.S. Code § 46503 - Interference with security screening personnel, and the California  
9 Fair Employment and Housing Act.

10 During the meeting, Claimant also informed Commander Frank and Captain  
11 Sambar that Claimant believed Meek had issued the comment card to retaliate against  
12 Claimant. At that point, Captain Sambar threatened Claimant, telling him that if he was  
13 saying he was a victim of retaliation, he needed to report it and his failure to do so could  
14 be deemed misconduct.

15       **5. GENERAL DESCRIPTION OF INJURY:**

16       After Claimant disclosed information to his supervisors that he reasonably believed  
17 disclosed violations of including but not limited to California *Penal Code* section 600,  
18 subdivision (b), Los Angeles City *Municipal Code* section 49.5.5, 49 U.S. Code § 46503 -  
19 Interference with security screening personnel, and the California Fair Employment and  
20 Housing Act, and other applicable federal, state, and local statutes and regulations, the  
21 Los Angeles Police Department retaliated against Claimant.

22       Specifically, on or about March 1, 2017, Claimant was permanently stripped of his  
23 coveted position and transferred to a humiliating assignment in which he uses none of his  
24 specialized law enforcement skills, training, or experience. As a result, Claimant has lost  
25 and will continue to lose a coveted position, standby pay, overtime, a take-home car, his  
26 field bonus, and other privileges and benefits, and suffer damage to his reputation.

27       In addition, on or about July 9, 2017, Claimant was downgraded from a Lt. II to a Lt.  
28 I. As a result, Claimant has lost and will continue to lose income and other privileges and

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CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)

1 benefits; and has sustained and will continue to sustain damage to his reputation.  
2 Further, the Department's actions against Claimant have impacted and/or are likely to  
3 impact his ability to obtain post-retirement opportunities.

4 Claimant alleges that the conduct described herein is a violation of *Labor Code*  
5 sections 1102.5, and 1102.6. Claimant further alleges that as an actual and proximate  
6 result of said conduct, Claimant suffered emotional distress and lost past and future  
7 earnings, including loss of overtime and loss of pension. Claimant also claims attorney's  
8 fees under the applicable provisions.

9       6.     **KNOWN WITNESSES:** Captain Kathryn Meek, PIII+3 Tom Deluccia, PIII+5  
10 Mark Sauvao, Commander Horace Frank, Captain Stephen Sambar (retired), Sgt II+3  
11 Randy Goens, Sgt II+3 Deana Stark, Sgt. Mitch Lambdin (retired), Clerk Typist Leslie  
12 Edwards P III+5 Ara Hollenback, P III+3 John Borquez, P III+3 John Long, PIII+3 Pete  
13 Phermsangngam, P III+3 Al Franco, P III+3 Eric Young, P III+3 Ken Thatcher, P III+3 Joe  
14 Geherall, PIII+3 Leslie Salinas, P III+3 Kevin Gragen, P III+3 Darryl Norwood, P III+3  
15 Jeremy Cohen, P II+3 Sandra Sanchez, P III+3 Sunny Sasajima, all officers assigned to  
16 the ESD Bomb Squad, LAWAPD Captain Mario Patrick, LAWAPD Lt. Edward Trahan,  
17 LAWAPD Sgt. Able Torres, LAWAPD Sgt. Heriberto Gonzalez, LAWAPD Sgt. George  
18 Jarvis (retired), LAWAPD Sgt. Floyd Johnson, and potentially other employees of the Los  
19 Angeles Police Department Emergency Services Division, and potentially other  
20 employees of the Los Angeles World Airports Police Department.

21       7.     **AMOUNTS CLAIMED:**

22 Pursuant to *Government Code* section 910(f), the amount of compensatory and  
23 other damages claimed exceeds \$10,000 and will lie within the unlimited jurisdiction of the  
24 Superior Court. Claimant also claims and seeks to recover herein statutory and other  
25 penalties, damages, attorney's fees, expert fees, costs as provided by law, including, *inter*  
26 *alia*, C.C.P. section 1021.5, *Labor Code* sections 923, 1101, 1102, 1102.5, et seq., and  
27 2698, et seq., *Government Code* sections 3300, et seq., 3500, et seq., and 53298, et seq.,  
28 and/or other applicable authorities.

-----  
CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)

1 Dated: December 6, 2017

LAW OFFICES OF GREGORY W. SMITH

2 By:

3   
4 GREGORY W. SMITH  
5 DIANA WANG WELLS  
6 LEILA K. AL FAIZ  
7 Attorneys for Claimant  
8 RAYMOND GARVIN

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CLM FOR DAMAGES AND OTHER RELIEF (Amended)

PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age  
of 18 years of age, and am not a party to the within action; my business address is  
Messenger Express, 5062 Lankershim Boulevard, Suite 135, North Hollywood, California  
91601.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action, the original thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : December 6, 2017

1 DOCUMENT SERVED : GOVERNMENT CLAIM FOR DAMAGES PURSUANT  
2 TO CALIFORNIA GOVERNMENT CODE §§905 and  
3 910, *et seq.*

PARTIES SERVED : City Clerk's Office  
3 : City of Los Angeles  
4 : 200 North Spring Street, Room 395  
Los Angeles, California 90012

(BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XXX (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

XXX (STATE) I declare under penalty of perjury under the laws of the State of California  
that the above is true and correct.

EXECUTED at Beverly Hills, California on December 6, 2017.

~~100-1~~ (Signature)  
Print Name: KEN JITDAJAI  
LIGHTNING MESSENGER EXPRESS

EXHIBIT "3"



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency  
**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**  
2218 Kousen Drive, Suite 100 | Elk Grove | CA | 95768  
(800) 884-1684 | TDD (800) 705-2320  
<http://www.dfeh.ca.gov> | email: [contact.complaint@dfeh.ca.gov](mailto:contact.complaint@dfeh.ca.gov)

GOVERNOR EDMUND G. BROWN, JR.  
DIRECTOR KEVIN NISH

February 8, 2018

Kevin Salute  
18801 Ventura Blvd., Suite 208  
Tarzana, California 91356

**RE: Notice to Complainant's Attorney**  
DFEH Matter Number: 201802-01127508  
Right to Sue: Garvin / City of Los Angeles/Los Angeles Police Department

Dear Kevin Salute:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12952, DFEH will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing

3/20/2018 / 10:44 AM



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency  
**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**  
2218 K Street Drive, Suite 100 | Elk Grove CA 95758  
(800) 684-1584 | TDD (800) 700-2320  
<http://www.dfeh.ca.gov> | email: [contactcenter@dfeh.ca.gov](mailto:contactcenter@dfeh.ca.gov)

GOVERNOR EDMUND G. BROWN JR.  
DIRECTOR KEVIN KUSH

February 8, 2018

RE: Notice of Filing of Discrimination Complaint  
DFEH Matter Number: 201802-01127508  
Right to Sue: Garvin / City of Los Angeles/Los Angeles Police Department

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

2/10/2018  
8:00 AM



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency  
**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**  
2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 | TDD (800) 700-2320  
<http://www.dfeh.ca.gov> | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

GOV. EDMUND G. BROWN JR.  
DIRECTOR KEVIN X. KISH

February 8, 2018

Raymond Garvin  
18801 Ventura Blvd Suite 208  
Tarzana, California 91356

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 201802-01127508  
Right to Sue: Garvin / City of Los Angeles/Los Angeles Police Department

Dear Raymond Garvin,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective February 8, 2018 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

02/08/2018  
10:27 AM  
Q:

1                   **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                   BEFORE THE STATE OF CALIFORNIA  
3                   DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
4                   Under the California Fair Employment and Housing Act  
5                   (Gov. Code, § 12900 et seq.)

6                   In the Matter of the Complaint of  
7                   Raymond Garvin

DFEH No. 201802-01127508

8                   Complainant,  
9                   vs.

10                  City of Los Angeles/Los Angeles Police  
11                  Department  
12                  2029 North Main St.  
13                  Los Angeles, California 90045

14                  Respondent.

15                  1. Respondent City of Los Angeles/Los Angeles Police Department is an  
16                  employer subject to suit under the California Fair Employment and Housing Act  
17                  (FEHA) (Gov. Code, § 12900 et seq.).

18                  2. Complainant Raymond Garvin, resides in the City of Tarzana State of  
19                  California.

20                  3. Complainant alleges that on or about July 9, 2017, respondent took the following  
21                  adverse actions:

22                  Complainant experienced retaliation because complainant reported or resisted  
23                  any form of discrimination or harassment and as a result was demoted.

24                  Additional Complaint Details: Upon information and belief, the undersigned  
25                  alleges as follows:

26                  Plaintiff has been employed by the City of Los Angeles as a sworn peace officer in  
27                  the Los Angeles Police Department (the "Department"). Beginning in or around  
28                  2012, Plaintiff was assigned to as the Officer in Charge of the Emergency Services  
Division Bomb Canine Unit, which is a Lieutenant II + 2 position. In or about early  
2015, Plaintiff learned that Captain Kathryn Meek might be replacing Capt. John  
Incontro as the Commanding Officer of Emergency Services Division ("ESD"). Upon  
learning this information, Plaintiff expressed concerns to Capt. Incontro that Meek's  
romantic relationship with a subordinate bomb detection canine officer under

1 Plaintiff's command would create a conflict with Plaintiff and others. More  
2 specifically, Plaintiff expressed concerns that because the subordinate officer had  
3 conflicts with Plaintiff over work performance, Meek would retaliate against Plaintiff  
4 to create favor for the officer. In addition, Plaintiff believed that Meek might request  
5 and give more favorable treatment to her love interest as opposed to other officers  
6 who may be more qualified. In or about early 2016, Plaintiff again reiterated his  
7 concerns to Capt. Rolando Solano. In or around March of 2016, Capt Meek became  
8 the Commanding Officer of ESD. Captain Meek had previously held Plaintiff's  
9 position, and had remained very close to various male police officers in the Unit,  
10 including Officer Deluccia, with whom she had been in a romantic relationship. As  
11 the Commanding Officer of ESD, Captain Meek took various actions to benefit the  
12 male officers she was close to, including Deluccia and officers close to Deluccia. On  
13 or about May 6, 2016, Captain Meek verbally accused Plaintiff of various work  
14 deficiencies based only on hearsay. When Plaintiff asked for specific details of any  
15 of the deficiencies, Meek could not provide any. On or about June 16, 2016,  
16 Captain Meek served Plaintiff with a comment card that accused him of bullying his  
17 subordinates. On or about July 14, 2016, Plaintiff met with Commander Horace  
18 Frank and Captain Stephen Sambar to discuss the comment card. During the  
19 meeting, Plaintiff informed Commander Frank and Captain Sambar that Captain  
20 Meek had moved the three grant-funded canine teams to the Bomb Squad because  
21 of her prior romantic relationship with Deluccia. Plaintiff reiterated his prior  
22 comments that he had made to Incontro and Solano about Meeks' romantic  
23 relationship with Deluccia and how she was using the relationship to retaliate against  
24 Plaintiff. Plaintiff also told Frank and Sambar that Meek had, in fact, given more  
25 favorable treatment to Deluccia instead of other officers who may be more qualified,  
26 thereby creating the potential for officers to claim discrimination or some other type  
27 of favoritism to Deluccia because of his relationship with Meek. During the meeting,  
28 Plaintiff also informed Commander Frank and Captain Sambar that Plaintiff believed  
Meek had issued the comment card to retaliate against Plaintiff. At that point,  
Captain Sambar threatened Plaintiff, telling him that if he was saying he was a victim  
of retaliation, he needed to report it and his failure to do so could be deemed  
misconduct. On or about March 1, 2017, Plaintiff was permanently stripped of his  
coveted position and transferred to a humiliating assignment in which he uses none  
of his specialized law enforcement skills, training, or experience. On or about July 9,  
2017, Plaintiff was downgraded from a Lt. II to a Lt. I.

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Complaint - DFEH No. 201802-01127508

Date Filed: February 8, 2018

1 VERIFICATION.

2 I, Kevin Salute, am the Attorney in the above-entitled complaint. I have read the  
3 foregoing complaint and know the contents thereof. The matters alleged are based  
4 on information and belief, which I believe to be true.

5 On February 8, 2018, I declare under penalty of perjury under the laws of the State of  
California that the foregoing is true and correct.

6 Tarzana, California

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Complaint - DFEH No. 201802-01127509

Date Filed: February 8, 2018

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PROOF OF SERVICE  
RAYMOND GARVIN v. CITY OF LOS ANGELES, CASE NO. BC 694158

I, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding.  
My business address is 700 City Hall East, 200 North Main Street, Los Angeles, California 90012.

On April 24, 2019, I served the foregoing documents described as **DECLARATION OF DENNIS C. KONG AND COMPENDIUM OF EVIDENCE IN SUPPORT OF DEFENDANT CITY OF LOS ANGELES' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION OF THE ISSUES**, on all interested parties in this action by placing copies thereof enclosed in a sealed envelope addressed as follows:

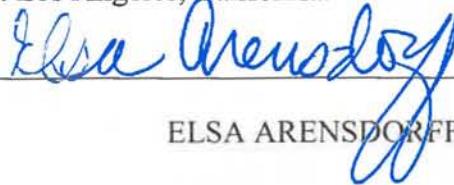
8 Gregory W. Smith, Esq.  
9 **LAW OFFICES OF GREGORY W. SMITH**  
10 9100 Wilshire Boulevard, Suite 345 E  
11 Beverly Hills, CA 90212  
Telephone: 310.777.7894  
213.385.3400  
Facsimile: 310.777.7895

Kevin Salute, Esq.  
**SALUTE LAW**  
18801 Ventura Boulevard, Suite 208  
Tarzana, CA 91356  
Telephone: 818.981.7373  
E-mail: [kevin@salutelaw.com](mailto:kevin@salutelaw.com)

12 **Attorneys for Plaintiff**

13 [ XX] BY OVERNIGHT COURIER - I deposited such envelope in a regularly maintained overnight courier  
14 parcel receptacle prior to the time listed thereon for pick-up. Hand delivery was guaranteed by the next  
business day.

16 I declare that I am employed in the office of a member of the bar of this court at whose  
17 direction the service was made. I declare under penalty of perjury that the foregoing is true and  
correct. Executed on April 24, 2019, at Los Angeles, California.

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# Journal Technologies Court Portal

## Court Reservation Receipt

### Reservation

Reservation ID:	Status:
842634280718	RESERVED
Reservation Type:	Number of Motions:
Motion for Summary Judgment	1
Case Number:	Case Title:
BC694158	RAYMOND GARVIN VS CITY OF LOS ANGELES
Filing Party:	Location:
Los Angeles, City of (Defendant)	Stanley Mosk Courthouse - Department 19
Date/Time:	Confirmation Code:
July 11th 2019, 8:30AM	CR-C3GHOEUPUO5YJHWOI

### Fees

Description	Fee	Qty	Amount
Motion for Summary Judgment *** Fees Exempted by Gov Code 6103.1 ***	500.00	1	0.00
<b>TOTAL</b>			<b>\$0.00</b>

### Payment

Amount:	Type:
\$0.00	GOVT_EXEMPT

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